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Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 21— May 26, 1995

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Secretary of State

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July 14, 1995 - Issue 28: Through	June 30, 1995
October 15, 1995 - Issue 37: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

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Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
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Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
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May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
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June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3) Section Numbers: Proposed Action:

25.75	New Section
25.99	Amendment
25.110	Amendment
25.120	Amendment
25.150	Amendment
25.210	Amendment
25.442	New Section
25.728	New Section

4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments incorporate recently enacted statutory changes, which include addition of a Section dealing with issuance of part-time provisional certificates to professionals and craftsmen seeking to teach no more than two courses of study in grades 6-12, revision of the Section on teaching certificate endorsements to reflect an increase in the application fee from \$20 to \$30, addition of a Section dealing with Illinois Teacher Corps programs, and addition of a Section allowing use of the Illinois Certification Testing System's test of basic skills to meet the requirement of Section 21-2b of the School Code for entrance into teacher education programs. Other amendments include revisions to shorten the review cycle for approval of teacher education programs from ten to five years and deletion of language in the Section on requirements for institutional recognition and program approval that referenced dismissal from the institution as a cause for grievance. The amendments also include numerous technical corrections.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment132. contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-284
Springfield, Illinois 62777-0001
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas. Not applicable.

The full text of the proposed amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.20 State Elementary School Certificate

25.30 State High School Certificate

25.40 State Special Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Early Childhood Certificates

25.90 Transitional Bilingual Certificate and Examination

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section

25.110 System of Approval: Levels of Approval

25.120 Standards and Criteria for Institutional Recognition and Program Approval

25.130 Procedures for Initial Recognition as a Teacher Education Institution

25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia

25.150 The Periodic Review Process

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

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NOTICE OF PROPOSED AMENDMENTS

25.210 Requirements for the Certification of School Social Workers

25.220 Requirements for the Certification of Guidance Personnel

25.230 Requirements for the Certification of School Psychologists

25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section

25.310 Definitions (Repealed)

25.311 Administrative Certificate

25.315 Renewal of Administrative Certificate

25.320 Application for Approval of Program (Repealed)

25.322 General Supervisory Endorsement

25.330 Standards and Guide for Approved Programs (Repealed)

25.333 General Administrative Endorsement

25.344 Chief School Business Official Endorsement

25.355 Superintendent

SUBPART F: GENERAL PROVISIONS

Section

25.405 Military Service

25.410 Revoked Certificates

25.415 Credit in Junior College

25.420 Psychology Accepted as Professional Education

25.425 Individuals Prepared in Out-of-State Institutions

25.427 Three-Year Limitation

25.430 Institutional Approval

25.435 School Service Personnel Certificate--Waiver of Evaluations

25.440 Master of Arts NCATE

25.442 Illinois Teacher Corps Programs

25.445 College Credit for High School Mathematics and Language Courses

25.450 Lapsed Certificates

25.455 Substitute Certificates

25.460 Provisional Special and Provisional High School Certificates

25.465 Credit

25.470 Meaning of Experience on Administrative Certificates

25.475 Certificates and Permits No Longer Issued

25.480 Credit for Certification Purposes

25.485 Provisional Recognition of Institutions

25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime

25.493 Part-Time Teaching Interns

25.495 Approval of Out-of-State Institutions and Programs

25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
OTHER NONCERTIFIED PERSONNEL

STATE BOARD OF EDUCATION

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Section	Teacher Aides
25.510	Other Noncertificated Personnel
25.520	Specialized Instruction by Noncertificated Personnel
25.530	Approved Teacher Aide Programs
25.540	

SUBPART H: CLINICAL EXPERIENCES

Section	Definitions
25.610	Student Teaching
25.620	Pay for Student Teaching
25.630	

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	Purpose - Severability
25.705	Definitions
25.710	Test Validation
25.715	Test Equivalence
25.717	Applicability of Testing Requirement
25.720	Applicability of Scores
25.725	Use of Basic Skills Test at Time of Entry into Teacher Education
25.728	Registration
25.730	Late Registration
25.732	Frequency and Location of Examination
25.735	Accommodation of Persons with Special Needs
25.740	Special Test Dates
25.745	Conditions of Testing
25.750	Voiding of Scores
25.755	Passing Score
25.760	Individual Test Score Reports
25.765	Rescoring
25.770	Institution Test Score Reports
25.775	Fees
25.780	

APPENDIX A Statistical Test Equating - Certification Testing System

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243,

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effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: CERTIFICATES

Section 25.75 Part-time Provisional Certificates

- a) Pursuant to Section 21-10 of the School Code [105 ILCS 5/21-10], a part-time provisional certificate valid for teaching no more than two courses of study in grades 6-12 shall be issued to professionals and craftsmen who present evidence of meeting one of the following requirements:
- 1) 60 semester hours of credit from a recognized institution of higher learning, 9 semester hours of which are to be in the skill to be certified for teaching, or
 - 2) 4,000 hours of work experience in the skill to be certified for teaching.
- b) A skill area shall be certified for teaching if:
- 1) The skill area is identified by a school district as part of its curriculum, and
 - 2) The skill area evidenced by coursework or experience is one taught to students in grades 6-12 (e.g., a craftsman jeweler may be issued a jewelry design as part of a 6-12 art program).
- c) The holder of a part-time provisional certificate may teach no more than two courses of study.
- d) Pursuant to Section 21-10 of the School Code, a part-time provisional teacher's certificate shall be valid for 2 years and may be renewed at the end of each 2 year period.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 25.99 Endorsing Teaching Certificates

Elementary and high school teaching certificates will be endorsed with the subject areas a person is qualified to teach upon demonstration that the coursework presented for examination meets the requirements set forth in 23 Ill. Adm. Code 1: Subpart G, Staff Qualifications (Public Schools Evaluation, Recognition and Supervision).

- a) Coursework presented for endorsement shall be counted toward a specific subject qualification if the course content meets the standards established for the subject as listed in Subpart G of 23 Ill. Adm. Code 1.
- b) Coursework presented for endorsement will be counted in each subject area to which it applies.

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- c) Applicants for certificates presenting a 32 semester hour major field of specialization, for which qualifications are not specified in Subpart G of 23 Ill. Adm. Code 1, shall have the certificate endorsed with that major field of specialization.
- d) Applicants for certification who have completed approved programs or who qualify for certification by transcript evaluation shall be evaluated for all endorsement areas and issued a certificate with all endorsements for which they qualify in accordance with subsections (a) and (b) of this Section.
- e) Individuals seeking to endorse a previously issued certificate(s) or obtain additional endorsements may apply for such endorsement(s), on forms provided by the State Board of Education, in accordance with the provisions of Section Article 21-12 of the School Code [105 ILCS 5/21-12].

1) Applications must be submitted through the office of a Regional Superintendent of Schools and accompanied by a \$30 non-refundable fee made payable to the State Teacher Certification Board.

2) Applicants qualifying for an endorsement shall receive a duplicate of their original certificate with the endorsement and date of the endorsement affixed.

3) Deficiency statements shall be issued when an applicant does not qualify for the requested endorsement(s). Applicants may remove their deficiencies and qualify for endorsements on their original fee, provided that they qualify within the same fiscal year, i.e., between July 1 and June 30 of the year of application. Subsequent requests for the same endorsement(s) shall be accompanied with another fee.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section 25.110 System of Approval: Levels of Approval

a) Authority

- 1) The system of institutional recognition and program approval described in this Subpart has been developed pursuant to Section 21-21 of the School Code [105 ILCS 5/21-21] ~~†††††-Rev-1-Stat-1981-CH-122-par-21-21†~~. This statute authorizes the State Board of Education through the State Superintendent of Education, in consultation with the State Teacher Certification Board, to recognize institutions and approve courses of study in those institutions recognized for the preparation of teachers and school service, supervisory, and administrative personnel.
- 2) This system of recognition and approval is directly related to

STATE BOARD OF EDUCATION

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the process of certification of educational personnel which has been adopted by the General Assembly and the State Board of Education as administered by the State Board of Education. The certification of educational personnel depends upon the process of institutional recognition and program approval which the State Board of Education establishes and monitors.

- b) Institutional Recognition and Program Approval
- Institutional recognition and program approval bind together the pre-service preparation of educational personnel and the granting of the appropriate certificates and endorsements. Under this system, the judgments concerning individuals in the process of certification are shared by the institutions and the state. The recommendation of recognized institutions that a candidate be certificated is accepted by the State Board of Education as verification that the candidate has satisfactorily completed all of the requirements of the certification statutes and relevant rules and has successfully completed an approved program leading to the certification and endorsement for which the candidate is recommended.

c) Institutional Recognition and Program Approval

It is the responsibility of institutions to demonstrate compliance with applicable statutes and the requirements set forth herein. Evidence that these requirements are not adhered to shall either lead to provisional approval or to denial of approval for the program(s) that are not in compliance and to the institution being placed on provisional recognition for a period not to exceed three years, after which, if noncompliance persists, recognition may be withdrawn. Deviation from requirements set forth herein is allowable only with the prior approval of the State Superintendent of Education in consultation with the State Teacher Certification Board. Institutional requests for deviation from these requirements will be permitted when: a specific need for the proposed program deviation is established; minimum statutory requirements are met; and the program, while deviating from existing rules, provides adequate and defensible preparation.

1) Conditions Requiring Recognition and Approval

A) Institutional Recognition is required:

- i) When an institution which is not recognized intends to conduct approved teacher education programs; and
- ii) Every five ~~ten~~ years after initial recognition.

B) Program Approval is required:

- i) When an institution proposes to conduct a program not currently approved;
- ii) When an institution significantly modifies the content, experiences, sequence or procedures of a program; and
- iii) At the time of the fifth-year ~~ten-year~~ reviews.

C) Consortium Approval is required:

- i) When two or more institutions enter into agreements to

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provide educational services in connection with a teacher education program; and

ii) Every ~~five~~ ten years.

2) Levels of Recognition and Approval

A) Initial Recognition as a teacher education institution
When an institution not having recognition intends to conduct approved teacher education programs, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one of the following actions:

i) Grant recognition which authorizes the institution to recommend candidates for certification by entitlement and conduct approved teacher education programs for five ~~ten~~ years; ~~this approval is conditional upon submission of an acceptable five-year review report;~~

ii) Grant provisional recognition which authorizes the institution to conduct approved teacher education programs and recommend candidates by entitlement under conditions and limitations stipulated by the State Superintendent of Education, in consultation with the State Teacher Certification Board; or

iii) Deny recognition and prohibit the institution from conducting teacher education programs.

B) New or Modified Program

When an institution proposes to sponsor a new program or to significantly modify an approved program, the State Superintendent of Education, in consultation with the State Teacher Certification Board, may take one of the following actions:

i) Grant approval which authorizes the institution to conduct the proposed or modified program for five ~~ten~~ years; ~~this approval is conditional upon submission of an acceptable five-year review report;~~

ii) Grant provisional approval which authorizes the institution to conduct the proposed or modified program under stipulated conditions and limitations; or

iii) Deny approval of the proposed or modified program.

3) ~~Tenth- and Fifth-Year Review~~A) ~~Ten-Year Review~~

Subsequent to completion of a fifth-year ~~ten-year~~ review, the State Superintendent of Education, in consultation with the State Teacher Certification Board, may take one or more of the following actions:

A) Grant recognition to the institution and its programs authorizing the institution to conduct approved programs for five ~~ten~~ years; ~~Recognition and approval are conditional upon submission of an acceptable five-year review report;~~

STATE BOARD OF EDUCATION

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B) Grant provisional recognition to the institution or provisional approval of one or more of the programs conducted by the institution. Provisional recognition of the institution authorizes the institution to continue to conduct approved programs under stipulated conditions and limitations. Provisional approval of a program authorizes the institution to conduct the program under stipulated conditions and limitations; or

C) Deny recognition of the institution or approval of one or more of the programs conducted by the institution. Denial of recognition of the institution prohibits the institution from conducting approved programs. Evidence that an institution is conducting its teacher education programs in violation of Illinois Statutes governing the education and certification of educational personnel will lead to immediate denial of recognition of the institution. In other instances, denial of recognition will become effective within a period of two years with the date specified by the State Superintendent of Education, in consultation with the State Teacher Certification Board.

B) Five-Year Review Reports

1) If an institution fails without adequate cause to submit an acceptable fifth-year report by May 1 of the fifth year subsequent to its having been granted recognition and approval, the State Superintendent of Education, in consultation with the State Teacher Certification Board, may withdraw the recognition of the institution or approval of one or more of its programs.

2) Five-year reports will be reviewed by the State Superintendent of Education in consultation with the State Teacher Certification Board, which will note acceptance of the report and any deficiencies which should be remedied prior to the next ten-year review.

4) Conditions for Awarding Recognition and Approval Status
The State Superintendent of Education, in consultation with the State Teacher Certification Board, may grant or deny recognition or approval under the following stipulated conditions:

A) Recognition or approval may be granted only when the institution or program complies sufficiently with the criteria presented in Section 25.120 of this Part;
B) Provisional recognition or approval may be granted only when an institution or a program does not comply sufficiently with one or more of the criteria presented in Section 25.120 of this Part, but provides evidence of plans and resources to comply sufficiently within a period not to exceed three years. Provisional recognition or approval may not be granted in the absence of notifying the institution of the

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stipulated conditions and limitations imposed upon it or upon one of its programs; or

- C) Recognition or approval may be denied only when an institution or a program does not comply sufficiently with the standards and criteria for approval presented in Section 25.120 of this Part. Recognition or approval may not be denied in the absence of notifying the institution of the reason(s) for denial.

- 5) Voluntary Request for Withdrawal of Recognition or Approval
Any institution voluntarily wishing to have recognition of the institution or approval of a program withdrawn shall notify the Secretary of the State Teacher Certification Board in writing of its desire and request appropriate action by the State Superintendent of Education, in consultation with the State Teacher Certification Board.

- 6) Use of Recognition and Approval Status in Institutional Publications
An institution shall indicate in its publications, including its catalogs:

- A) The last date on which the institution was recognized and its programs were approved;
B) Programs which may be pending approval; and
C) Those programs that are not approved.

- 7) Institutional eligibility for Initial Recognition under this Manual

- A) The institution is approved as a degree-granting institution, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50] "An Act to revise the law in relation to universities, colleges, academies and other institutions of learning" (1981 Rev. Stat. 1981-ch-144, par. 1-1 et seq.)

- B) The institution sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and

- C) The institution proposes to conduct at least one approved teacher education program.

- 8) Institutional Appeals Procedure

- A) Cause: Any institution which has formally requested recognition or approval of a program, and wherein the State Teacher Certification Board or the State Superintendent of Education, or both, has recommended or granted provisional recognition or approval or has recommended denial or has denied recognition or approval may appeal such actions.

- B) Notice: An aggrieved institution shall file notice of appeal within thirty (30) days after receiving notification of a Board recommendation or within thirty (30) days after receiving notification of action by the State Superintendent of Education. Notices of appeal shall be filed through the

STATE BOARD OF EDUCATION

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United States mail service with the Secretary of the State Teacher Certification Board.

- C) Preliminary Hearing: Upon receipt of notification, the Secretary will designate, after consultation with the aggrieved institution, a hearing officer who will at the expense of the State Board of Education conduct a preliminary hearing to determine if substantive grounds for appeal exist. Such grounds will be limited to:

- i) Alleged incompetence of visitation team;
ii) Alleged gross misinterpretation of evidence supplied by the institution; or

- iii) Alleged arbitrary or capricious action on the part of the State Superintendent of Education or the State Teacher Certification Board.

- D) The hearing officer will, after reviewing evidence emerging from the hearing, recommend to the State Superintendent of Education:

- i) That an appeal be granted; or
ii) That an appeal be denied.

- E) When Appeal is Granted: The appeal will be heard within sixty (60) days after the hearing officer has presented his/her recommendation for granting an appeal. This hearing shall be limited to the scope of the grievances as delimited by the hearing officer. Evidence of program or institutional changes subsequent to action of the State Superintendent of Education or the State Teacher Certification Board will not be admissible. Either the State Superintendent or the Board, subsequent to the hearing, may recommend or grant approval, provisional recognition or approval, or deny recognition or approval.

- F) Costs: All costs for preliminary hearings and any appeals hearings, except those incurred by the institution, shall be borne by the State Board of Education.

- G) Counsel: At all times, the institution, the State Superintendent of Education, or the Board may elect to be represented by an attorney.

- H) AGENCY--NOTES--After exhaustion of the appeals process, institutions may seek further remedies under the Administrative Review Law [735 ILCS 5/Art. 3] (1981 Rev. Stat. 1981-ch-118, par. 3-101 et seq.).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 25.120 Standards and Criteria for Institutional Recognition and Program Approval

- a) Standards for Recognition of Institutions

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Only those institutions which evidence and subsequently maintain sufficient compliance with the following standards will be recognized as teacher education institutions.

1) Institutions' Support for Teacher Education Programs. These standards measure the institution's commitment to sponsoring teacher education programs and its capability to fulfill that commitment for the period of recognition.

A) The institution has articulated a statement of its mission or goals and the mission or goals include and are consistent with the sponsorship of teacher education programs.

B) The institution evidences continuing availability and commitment of fiscal, human, and other resources adequate to conduct approved teacher education programs.

C) The institution has developed and maintains an administrative and policy-development structure which provides the capability to undertake the coordination, planning, and evaluation processes necessary to the conduct of teacher education programs.

D) The institution presents documentation of the need for its programs, including an analysis of the available supply of teachers in the subject matter field and/or grade level being proposed.

2) Admissions, Retention, and Recommendation for Certification. The standards under this heading require evidence that the institution has established criteria and procedures for admission, retention, and recommendation for certification. These criteria and procedures must be neutral with respect to personal characteristics or background irrelevant to an individual's successful completion of a program and anticipated success in a certificated role in the Illinois public schools.

A) The institution has established a written recruitment plan detailing the procedures it follows in its efforts to attract students from diverse economic, racial, and cultural backgrounds to the teacher preparation programs. The institution follows written procedures for admitting students to the institution and to teacher preparation programs and undertakes continuous evaluation for retention in the institution and in the program. Such procedures shall minimally include the requirements set forth in Article 21 of the School Code [105 ILCS 5/Art. 21]. The written procedures establish the criteria to be used at the checkpoints of:

- i) admission to the institution;
- ii) admission to teacher education, including, but not limited to, assessing proficiency in reading, mathematics and language arts;
- iii) admission to student teaching; and
- iv) at the time of recommendation for certification.

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The criteria used at the second and successive checkpoints shall be more rigorous than those used at the preceding checkpoint.

B) The institution has established and implemented procedures for assessing the candidate's abilities which were acquired prior to admission to the program and for planning the candidate's program in light of that assessment. A candidate evidencing appropriate or required knowledge, skills, and attitudes may qualify for advanced placement or credit by successfully completing appropriate examinations or other assessment procedures as presented by a recognized institution.

C) The institution has not established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of race, color, national origin, or irrelevant physical conditions. A coeducational institution shall not have established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of sex.

D) The institution provides teacher education candidates with a written copy of students' responsibilities and rights and procedures for enforcing those responsibilities and rights. Causes for grievances shall include, but not be limited to, arbitrary or capricious institutional behavior in regard to:

- i) admission to a teacher education program;
- ii) admission to the student teaching program or other clinical experience;
- iii) dismissal from ~~the institution or from~~ the teacher education program, including clinical or student teaching experiences;
- iv) evaluation of the candidate's performance in courses, clinical or student teaching settings, or any other regularly provided or required activity having a direct bearing on the candidate's being recommended for certification or for employment; or
- v) failure to recommend the candidate for certification, when required, in a timely fashion.

Such procedures shall allow students to be represented by an attorney.

E) The institution provides evidence of systematic counseling services designed to identify potential teacher education candidates and to provide advice and counsel to those considering enrolling or already admitted into teacher education programs. Such counseling shall include reliable information based on the institution's past experience concerning prospects for employment in the candidate's chosen field.

F) The institution has established written procedures and

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criteria for determining whether a candidate will be recommended for certification by entitlement.

- 3) General Features of Teacher Education Programs
These standards assess the institution's general capability to sponsor teacher education programs and its commitment to designing and redesigning teacher education programs responsive to the needs of public education in the State of Illinois.

A) The institution provides, under its control or by contractual arrangement with other approved post-secondary institutions, programs offering balanced and interrelated learning experiences:

- i) in the humanities, social sciences, and the natural sciences;
 - ii) in a subject area(s) taught in Illinois public schools or necessary for preparation to assume supervisory, school service, or administrative roles in Illinois public schools; and
 - iii) in professional studies and experiences, including clinical experience in school or community settings throughout the preparation period.
- iv) Institutions must enter into written agreements with authorities in charge of clinical sites. These agreements must describe the responsibilities of the candidate, the institution, and the clinical site.
- v) All clinical experiences must be supervised by qualified personnel.

vi) Student teaching must be conducted under close and competent supervision. The institution must insure that the system of supervision generates enough valid documentation and evidence that a decision regarding a candidate's success, or lack of success, can be made and defended.

B) The institution maintains a learning environment supportive of programs which provide candidates with awareness, appreciation, and knowledge of cultural pluralism and a commitment toward the acquisition of skills on how to work with culturally distinctive students.

C) The institution has established a continuous process for the evaluation of its teacher education programs and graduates. Evidence that the results of this evaluation, together with consultation with school personnel and community persons and groups, are used in the development of new programs and modification of existing programs shall be presented.

b) Criteria for Approval of Programs

Only those programs evidencing sufficient compliance with the following criteria will be approved. The term "program" refers to a structured sequence of learning activities and experiences which is designed to lead to a specific certificate and endorsement.

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1) Relationship of Program to Public School Needs
These criteria measure a specific program's relationship to the needs of public schools generally and those of Illinois public schools particularly.

A) The program provides for acquisition of knowledge, attitudes, and skills necessary for effective performance in specific teaching, supervising, school service or administrative roles.

B) The program is a carefully planned set of experiences designed to develop the capacities and abilities that have been identified as a result of attention to public school needs.

C) The program develops the candidate's understanding and awareness of the unique nature of distinct cultural and ethnic groups as well as the relationships among these groups.

D) The program provides evidence that its faculty has the opportunity to participate directly in elementary and secondary school programs or community service programs and that educational personnel working in the elementary and secondary schools have the opportunity to participate directly in the program in a role other than that of student.

2) The Design of the Program

These criteria require that a program for the preparation of educational personnel demonstrate coherence and integrity.

A) The program has a rationale and related set of objectives which describe the intent of the program and which enable evaluation of it.

B) The program includes study of theoretical formulations of learning processes and their pedagogical implications, with emphasis on these implications for the candidate's specialization.

C) The program provides learning experiences enabling candidates to become aware of and responsive to the varied educational needs and the distinct cultural backgrounds of students to the extent practicable. In addition, opportunities shall be available for candidates to acquire and demonstrate abilities to work with students of culturally diverse backgrounds.

D) The program provides systematic procedures for evaluating the candidates' ability to teach, supervise, or administer.

E) The program provides for continuous evaluation, including evaluation of current students and graduates, and for program modifications based on evaluation.

F) The program provides a sound basis for continued study and acquisition of knowledge and skills.

3) Program Resources

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These criteria require evidence that sufficient resources are allocated to support the program to insure its being conducted as described.

- A) The program is supported by adequate and sufficient faculty, instructional resources, and clinical settings.
- B) The program has and is attracting or is realistically expected to attract sufficient students to enable adequate evaluation of the program.

c) Eligibility and Standards for Approval of Consortium Programs

- 1) A consortium among recognized teacher education institutions in which one or more have an approved program in the area(s) in which the consortium wishes to sponsor programs will be approved upon meeting the following standards:

- A) The institution at which the student is enrolled as a teacher education candidate awards the degree and recommends certification.
- B) The arrangements are set forth in a written agreement between or among participating institutions with assurance that students enrolled in the consortium-sponsored program, should the institution agree to cease these efforts, will be able to finish the program in a timely fashion.
- C) The consortium-sponsored program is the same, or virtually the same, as the approved program.

- 2) A consortium among recognized teacher education institutions in which none of the institutions has an approved program in the proposed area(s) will be approved upon meeting the following standards:

- A) The institution at which the student is enrolled as a teacher education candidate awards the appropriate degree and recommends certification.
- B) The proposed program(s) meet(s) the criteria for programs presented heretofore.

- C) There exists a written agreement specifying the arrangements for the conduct of the consortium and program and the agreement provides that students enrolled in the program(s) will be allowed to complete the program(s) in a timely fashion should the consortium be disbanded.

- 3) A consortium among a recognized teacher education institution(s) and another approved post-secondary educational institution(s) or organization(s) not recognized for purposes of teacher education will be approved upon meeting the following standards:

- A) The degree and recommendation for certification are issued by a recognized teacher education institution.
- B) The proposed program(s) meet(s) the criteria for approval of programs presented heretofore.

- C) The nonrecognized institution or organization has been approved under applicable provisions of the Higher Education Act [110 ILCS 50] ~~1117-Rev-Stat-19917-chr-144~~.

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- D) There exists a legally enforceable agreement or contract between and among participants in the consortium-sponsored program describing arrangements, responsibilities, and financing of the operations and assuring that students enrolled in the program(s) will be allowed to complete the program in a timely fashion.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 25.150 The Periodic Review Process

Each recognized teacher education institution in the State of Illinois will be reviewed at least once every five ~~ten~~ years (the Fifth-Year ~~Ten-Year~~ Review). ~~At--a-point-midway-between-Ten-Year-Reviews--each-teacher-education-institution-will--file--a--report--describing--existing--teacher-education-programs--the-Fifth-Year-Report--~~

a) Procedures--The Ten-Year-Review

- a) The Secretary of the State Teacher Certification Board will notify institutions of pending Fifth-Year ~~Ten-Year~~ Reviews. Such notifications shall be given at least one academic year in advance of scheduled visits. The institution will be asked to identify acceptable dates within a ten-week span.

- b) After a visitation date has been established, a representative of the State Board of Education will be appointed to provide assistance to the institution as it prepares for the Fifth-Year ~~Ten-Year~~ Review.

- c) The institution will prepare a self-study report with the assistance of the State Board's representative. Copies of this report will be delivered to the State Board of Education.

- d) A chairperson for the Fifth-Year ~~Ten-Year~~ Review will be appointed by the Secretary of the State Teacher Certification Board. The chairperson will then select individuals to serve on the team visiting the institution.

- e) The team will visit the institution. In most cases, the visit will last three days. All expenses of the visiting team will be paid by the State Board of Education. The team will assess the institution and its programs in terms of the institutional standards and program criteria found in Section 25.120 of this Part.

- f) Using the reports submitted by team members, the chairperson will compile a team report. The report will be submitted to individual team members and to the institution for validation of the accuracy of the report. Team members and the institution will provide any corrections to the team chairperson within a reasonable period of time.

- g) A fully validated report will serve as a basis for recommendations to be made to the State Teacher Certification Board. In all cases, the institution will be provided a copy of the final draft of the team report along with any recommendations.

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h) The State Teacher Certification Board will review the institutional self-study report, the validated team report, and any recommendations presented by the State Board of Education staff. A representative of the institution is encouraged to be present at the time the results of the fifth-year review are considered by the Board. The State Teacher Certification Board will recommend action to the State Superintendent of Education, who will notify the designated institutional officer of its action.

- b) Procedures--the Fifth-Year Report
- 1) The Secretary--of the State--Teacher-Certification-Board--will notify each institution--of its--responsibility--for--filing--a Fifth-Year-Report--at least one academic year--prior to the date on which--the report is due--A representative--will be appointed by the Secretary--to provide assistance--to the institution--as it prepares the Fifth-Year-Report.
 - 2) The institution--will prepare--the Fifth-Year-Report--with the assistance of the State Board's representative--Copies--will be delivered to the State Board of Education.
 - 3) After the report has been submitted, the State Board of Education staff--will file an analysis--of the programs--presented in the Fifth-Year-Report--with the State Teacher-Certification-Board.
 - 4) The State Superintendent of Education--in consultation--with--the State--Teacher--Certification--Board--will consider acceptance of the report--and any deficiencies--which should be remedied--prior to the next review--Institutions--will be notified of the action--by the State Superintendent of Education.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.210 Requirements for the Certification of School Social Workers

- a) Effective January 1, 1996, the school social work endorsement will be issued only to persons holding a master's or higher degree in social work, including a minimum of 55 graduate-level semester hours of coursework, supervised field experience, and school social work internship, from a graduate school of social work accredited by the Council on Social Work Education.
- b) School social workers must hold a school service personnel certificate based on completion of an approved program that provides consideration across the curriculum to racial, cultural, gender, and ethnic diversity, as well as an examination of the social worker's professional code of ethics.
- c) Required Content Areas and Courses

Graduate-Level

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- | | Hours Required |
|--|----------------|
| 1) Human Behavior and the Social Environment | 1 |
| 2) Social Welfare Policy | 1 |
| 3) Social Work Theory, Methods, and Practice, including Individual, Family, Group, Consultation, and Community Intervention Methods | 2 |
| 4) Research Methods | 2 |
| 5) Characteristics of Exceptional Children | 2 |
| 6) Social Work Practice in the Public Schools, including: | 2 |
| A) Interventive Methods with Individuals, Families, and Groups, and consultation with school personnel and the school community | |
| B) School Laws, Rules, and Regulations, and Public Policy Pertaining to School Social Work Practice | |
| C) Organizational and Administrative Concepts and Processes Related to Schools | |
| 7) Supervised Field Experience | |
| School social workers must complete a supervised field experience comprising a minimum of 400 contact hours that are supervised by a field instructor holding a master's or higher degree in social work. | |
| 8) School social workers must complete a school social work internship comprising a minimum of 600 contact hours in a school setting. | |
| A) The internship must be supervised by a field instructor holding a master's or higher degree in social work and a school service personnel certificate endorsed for school social work, or equivalent certification. | |
| B) The internship must provide for the development and demonstration of professional skills, including, but not limited to: | |
| i) Communication, interviewing, and observation skills | |
| ii) Social Developmental, Adaptive Behavior, and Cultural Background assessments | |
| iii) Effective intervention with culturally diverse populations | |
| iv) Home-School-Community liaison | |
| v) Application of theory to specific practice modalities | |

Crisis Intervention
Prevention and Early Intervention
Consultation
Collaboration and Participation
Multidisciplinary Team Work
Case Management

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Individual, Group, and Family Intervention
Community Resource Development
Advocacy

- vi) Evaluation of Practice
vii) Evaluation of Program

a) ~~the basis for school social work endorsement on the School Service Personnel Certificate shall be the Master of Social Work Degree from a graduate school of Social Work accredited by the Council on Social Work Education;~~

b) ~~All school social workers presently certified by the State Board of Education shall automatically be approved for the School Service Personnel Certificate.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL PROVISIONS

Section 25.42 Illinois Teacher Corps Programs

Section 21-11.4 of the School Code (105 ILCS 5/21-11.4) establishes the Illinois Teacher Corps Program to permit school districts, colleges, and universities to enter into collaborative programs to educate and induct qualified professionals into elementary and secondary teaching as a second career.

- a) Descriptions of Teacher Corps programs shall be submitted by a recognized teacher education institution or institutions, in collaboration with one or more school districts, to the State Superintendent of Education. The Superintendent, in consultation with the State Teacher Certification Board, shall approve such programs in accordance with the following requirements:

- 1) The participating teacher education institution must have existing approved programs in the areas for which Teacher Corps programs are proposed.

- 2) Each Teacher Corps program shall establish the following requirements:

- A) Program participants must earn a resident teacher certificate as defined in Section 21-11.3 of the School Code (105 ILCS 5/21-11.3) and must possess the certificate upon entry into the program.

- B) Program participants must possess a bachelor's degree from a recognized institution of higher education with at least a 3.00 out of a 4.00 grade point average or its equivalent.

- C) Program participants must:

- i) possess a minimum of five years of professional experience in the area in which the candidate wishes to teach; professional experience shall mean

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experience in the workforce directly related to a teaching field (e.g., five years of professional experience as a chemist would qualify for preparing to teach high school chemistry); or

- ii) participate in a one-year teacher preparation internship in a school district, which shall be developed collaboratively by the school district and the institution and approved by the State Teacher Certification Board.

- D) Program participants must pass the test of basic skills required by Section 21-1a of the School Code (105 ILCS 5/21-1a).

- E) Program participants must be enrolled in a master's of education degree program approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.

- 3) Teacher Corps program participants must complete a six-week summer intensive teacher preparation program designed by the participating teacher education institution or institutions and the participating school district or districts as the first component of a master's program.

- 4) Teacher corps program participants must obtain a passing score on the subject matter knowledge test required by Section 21-1a of the School Code by the time of completing the Teacher Corps Program.

- 5) The participating school district must provide in a written and signed document the following support to Teacher Corps Program participants:

- A) A salary and benefits package as negotiated through the teacher contracts.

- B) A certified teacher who will provide guidance to one or more candidates under a program developed collaboratively by the school district and the participating teacher education institution, and

- C) At least quarterly evaluations of each candidate performed jointly by the mentor teacher and the principal of the school or the principal's designee.

- b) Upon successful completion of the master's degree Teacher Corps Program, the participant shall be awarded the elementary, secondary, or special certificate(s), as applicable, and all other general education academic coursework deficiencies shall be waived.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.728 Use of Basic Skills Test at Time of Entry into Teacher

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Education

An institution may use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 21-2b of the School Code [105 ILCS 5/21-2b]-- Teacher Education Program Entrance.

a) If an institution chooses to use the basic skills test for that purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.

b) An institution shall not use the basic skills test nor any other test of the Illinois Certification Testing System for any other purpose, including, but not limited to, admission to student teaching and completion of the program.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: AIDS Drug Reimbursement Program2) Code Citation: 77 Ill. Adm. Code 6923) Section Numbers: Proposed Action:

692.10 Amendment

4) Statutory Authority:

Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff) and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

5) A Complete Description of the Subject and Issues Involved:

This rulemaking adds categories of drugs to be covered under the AIDS Drug Reimbursement Program. All of the drugs that are reimbursable under this program have been approved by the federal Food and Drug Administration (FDA).

To be eligible for services under the program, an individual must:

- make application with the Illinois Department of Public Health;
- be diagnosed as having AIDS or HIV;
- qualify financially with anticipated net monthly income at or below 400% of the federal poverty level for the size of the household;
- not be eligible for the Medical Assistance Program on the date drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown unmet status may participate);
- not be eligible for 100% coverage for drugs through another third party payor; and
- not be eligible for payment of medical services from any other governmental entity.

The categories of drugs that will now be covered under the AIDS Drug Reimbursement Program are: Category I - Anti-Retroviral Therapy; Category II - PCP Prophylaxis and Treatment; Category III - Treatment of Neoplasms; Category IV - Treatment of Opportunistic Infections and Anti-Microbials; and Category V - Other Drugs Requiring Prior Approval, including Bone Marrow Stimulants. Listing categories of drugs that are covered under this program, instead of individual drugs, will enable the Department to begin reimbursing program participants as soon as a drug receives FDA approval.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

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- 7) Does this Rulemaking Contain an Automatic Repeal Date? No.
- 8) Does this Rulemaking Contain any Incorporations by Reference? No.
- 9) Are there any other Proposed Amendments Pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments, within 45 days after this issue of the *Illinois Register*, concerning these rules by writing to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

These rules may have an impact on small businesses. In accordance with the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected:

Increasing the number of drugs available to eligible clients through this program will not have an impact on small businesses.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

C) Types of Professional Skills Necessary for Compliance:

None.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas:

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This rulemaking was included in the January 1995 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: WIC Vendor Management Code

2) Code Citation: 77 Ill. Adm. Code 672

3) Section Numbers: Proposed Action:

672.100 Amendment

672.105 Amendment

672.405 Amendment

672.500 Amendment

672.505 Amendment

672.510 Amendment

4) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

5) A Complete Description of the Subject and Issues Involved: The WIC Vendor Management Code establishes authorization, limitation, education and compliance review of WIC retail vendors by the Department. The rules enable the Department to carry out its responsibilities of fiscal management and accountability for the food delivery system under its jurisdiction.

This rulemaking clarifies references to federal regulations applicable to WIC vendors and changes the time period for vendor reapplication from at least once every two years to at least once every three years. A provision specifying that the Department will conduct an investigation of alleged violations of laws and regulations governing the WIC program has been changed to a review of alleged violations, in response to an audit finding received by the Department. The vendor violation of charging the Department more than the lesser amount of 95% of the maximum value of a food instrument or the lowest shelf price for WIC food items is being deleted from Section 672.505(a)(24) because this provision is redundant of Section 672.200(b).

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no economic effect on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning

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these rules by writing within 45 days after this issue of the Illinois Register to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

These rules may have an impact on small businesses. In accordance with the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address. Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: WIC vendors.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None.

C) Types of Professional Skills Necessary for Compliance: None.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: This rulemaking was included in the January 1995 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 672

WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section
672.100
672.105
672.110
672.115

Definitions
Incorporated and Referenced Materials
Purpose
Application of These Rules

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section
672.200
672.205
672.210
672.215
672.220
672.225

Geographic Distribution and Number of Vendors
Application Procedures
Authorization Criteria and Procedures
WIC Food List and Quantities
Criteria for Denial of Authorization
Denial of Authorization

SUBPART C: WIC VENDOR EDUCATION

Section
672.300
672.305
672.310
672.315

Initial WIC Retail Training by the Department
Initial WIC Retail Training by a Vendor
Annual WIC Retail Training Program
Compliance Training Workshop (Repealed)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section
672.400
672.405
672.410
672.415
672.420
672.425
672.430
672.435
672.440
672.445
672.450
672.455

Authorization
WIC Vendor Contract Requirement
Expiration of WIC Vendor Authorization and Contract
Food Instrument Processing
Specifications for Rejection of Food Instruments
WIC Retail Vendor Responsibilities
Payment Obligation
Conflict of Interest
Unlawful Discrimination
Amendments Resulting From a Change in Statute or Regulation
Assignment or Transfer
Civil Law Suits

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672.460 Voluntary Withdrawal from the WIC Vendor Contract
672.465 Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section
672.500
672.505
672.510
672.515
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672.525

Compliance Monitoring Inspections
Violations
WIC Vendor Sanctions
Criteria for Termination or Suspension of Authorization, Prohibition,
and/or Fine Assessment
Breach of Contract
Notice of Violation (Repealed)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR
ADMINISTRATIVE HEARINGS

Section
672.600
672.605
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672.670

Hearings
Parties to Hearings (Repealed)
Appearance and Representation of a Party
Commencement of an Action (Repealed)
Motions (Repealed)
Discovery (Repealed)
Form of Papers (Repealed)
Service (Repealed)
Pre-Hearing Conferences (Repealed)
Conduct of Hearings (Repealed)
Subpoenas (Repealed)
Burden of Proof (Repealed)
Administrative Law Judge's Report and Final Decision (Repealed)
Records of Proceedings (Repealed)
Miscellaneous (Repealed)

APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1998, amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 19 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 606, effective January 9, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART G: GENERAL PROVISIONS

DEPARTMENT OF PUBLIC HEALTH

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Section 672.100 Definitions

"Act" means the WIC Vendor Management Act: (111-Rev-Stat--1991-CH-111-1-27-Par--751-et-seq) [410 ILCS 255].

"Administrative Law Judge" means any person appointed by the Director to preside at an Administrative Hearing.

"Administrative Warning" means a written notice which describes the nature of a violation to the WIC Program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Retail Vendor.

"Applicant's Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the Applicant's lowest shelf price for each item as determined during the Retail Vendor Price Survey. These totals are then added together to determine the cost of all items in the Composite Market Basket. In determining the lowest shelf price for juice, cheese and cereal, the Department will use the average of the lowest shelf prices of the two varieties which the Department has determined are the most frequently received varieties of that WIC Food item. If the Applicant has no supply of one or both of the most frequently received varieties, the Department will use the one or two varieties with the lowest shelf price. In determining the lowest shelf price for infant formula, the Department will use a weighted average of the lowest shelf prices for the WIC approved brands, taking into account the percentage of each brand used by WIC Participants.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Composite Market Basket" means those quantities of WIC Food items received by a statistically average WIC Participant over a one month period.

"Contested Case" shall have the meaning ascribed it in Section 1-30 of

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the Illinois Administrative Procedure Act: (111-Rev-Stat--1991-CH-127-Par--101-30) [5 ILCS 100/1-30].

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Director" means the Director of the Illinois Department of Public Health or designee.

"Expired Food" means a WIC Food item available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item and labeled as one of the following: expiration date, "Sell By" date, "Best If Used By" date, or "Best When Purchased By" date, printed on the item.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"IAPA" means the Illinois Administrative Procedure Act: (111-Rev-Stat--1991-CH-127-Par--101-1-et-seq) [5 ILCS 100].

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC foods by submitting a Food Voucher to a WIC

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Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods from a Vendor to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC Foods charged to the general public, identifying the price of the specific WIC Food item. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

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"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672. Appendix A.)

"Regional Average Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the average regional shelf price for that item as derived from the Retail Vendor Price Survey for that region weighted to reflect the distribution of Store Types in the Region. These totals are then added together to determine the regional average cost of all items in the Composite Market Basket.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site and a WIC Food Center is a type 6 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Consumer Nutrition Services, Special Supplemental Nutrition Food Program for Women, Infants, and Children as updated: [7 CFR 246 (1990)].

"Valid WIC Retail Vendor Contract" means a contract that is entered into only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, Proxies of WIC Participants, Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

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"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or statutes or local laws.

"WIC Food Centers" are WIC food distribution sites through which the Department or its Representative provide the direct distribution of WIC foods.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" means those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives.

"Women Infants and Children Nutrition Program" and "WIC" mean the Federal Special Supplemental Nutrition Food Program for Women Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). (Section 3(a) of the Act)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 672.105 Incorporated and Referenced Materials

- a) The following State rules and statutes materials are referenced in various Sections of the Part:
- 1) The WIC Vendor Management Act ~~1991-Rev-Stat-1991-ch-117-17-27~~ ~~par-753-et-seq-7~~ [410 ILCS 255]
 - 2) The Illinois Purchasing Act ~~1991-Rev-Stat-1991-ch-127-par-132-et-seq-7~~ [30 ILCS 505] (Sections 672.210(a)(5) and (7) and 672.435)
 - 3) Sections 33E-3 and 33E-4 of the Criminal Code of 1961 ~~1991-Rev-Stat-1991-ch-30-par-33E-3-and-33E-4~~ [720 ILCS 5/33E-3 and 33E-4] (Section 672.210(a)(10))
 - 4) Section 2-102 of the Illinois Human Rights Act ~~1991-Rev-Stat-1991-ch-407-par-2-102~~ [755 ILCS 5/2-102] (Section 672.440)

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- 5) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- b) The following federal regulations materials are incorporated in various Sections of this Part:

1) USDA WIC regulations Regulations - United States Department of Agriculture (USDA), Food and Consumer Service: Special Supplemental Food Program for Women, Infants and Children (7 CFR 246)

2) USDA nondiscrimination regulations - USDA: Office of the Secretary: Nondiscrimination (7 CFR 15); Education Programs or Activities: Receiving or Benefiting from Federal Financial Assistance (7 CFR 15a); and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance (7 CFR 15b). Code of Federal Regulations, 7 CFR 157 ~~15a-and-15b~~ (Section 672.440).

- c) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

d) All citations to federal regulations in this Part concern the specified regulation in the January 1994 Code of Federal Regulations, unless another date is specified.

e) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code (2 Ill. Adm. Code 1126)) by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director consistent with USDA WIC Regulations (7 CFR 246.12 (f)(1)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.

- a) A failure by a Vendor to provide any information, as specified herein, shall be deemed to constitute a material breach of contract.
- b) Currently authorized WIC Retail Vendors shall be required to submit completed applications at least once every three (3) two (2) years.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.500 Compliance Monitoring Inspections

The Department shall develop a system for monitoring the operations of all WIC retail food vendors to ensure compliance with federal and State laws and rules governing the WIC program. The Department shall review the investigations of alleged violations of the federal and State laws and rules promulgated thereunder. (Section 6(a) and (b) of the Act)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

- a) Class A Violations:
 - 1) Imposition of any of the following sanctions by the USDA Food Stamp Program:
 - A) civil money penalty
 - B) suspension
 - C) disqualification
 - D) permanent disqualification
 - 2) Exchanging cash for Food Instrument(s).
 - 3) Exchanging non-food items for Food Instrument(s).
 - 4) Charging WIC Participants, Proxies or Department Representatives more for WIC Foods than non-WIC customers.
 - 5) Charging the WIC Program for WIC Foods not received by the Participant, Proxy or Department Representative Representatives.
 - 6) Claiming reimbursement for the sale of any amount of WIC Food which exceeds the store's documented inventory of that food for a specified period of time.
 - 7) Submitting false, erroneous or inaccurate information on the application or WIC Retail Vendor Contract.
 - 8) Exchanging credit for WIC Food Instrument(s).
 - 9) Exchanging alcohol for WIC Food Instrument(s).
 - 10) Receiving WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
 - 11) Transacting WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
 - 12) Redeeming WIC Food Instrument(s) which have been received from any source other than a Participant, a Proxy or a Representative of the Department.
 - 13) Charging WIC Participants, Proxies or Department Representatives more than the Posted Shelf Price for WIC food items.

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- 14) Charging the WIC Program for WIC Foods provided in excess of those listed on the WIC Food Instrument(s).
 - 15) Failure to maintain the minimum required quantity, size and type foods in at least three (3) WIC Foods excluding infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.500.)
 - 16) Failure to maintain the minimum required quantity, size and type of infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. See definition of "Minimum Supply of WIC Foods" in Section 672.500.
 - 17) Acceptance of WIC Food Instrument(s) that is signed by a Participant, a Proxy, or a Department Representative before the total actual cost is filled in by the Vendor.
 - 18) Submission of false, erroneous or inaccurate information on the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of the inspections of the Vendor Site.
 - 19) Refusing to allow the Department access to inspect the Vendor Site during normal business hours.
 - 20) Submission of a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue.
 - 21) Failure to fulfill the terms of the WIC Vendor Contract.
 - 22) The sale, lease, assignment, transfer or discontinuation of the Business Entity or moving the Business Entity to a new location or new address without notice to, and approval of, the Department.
 - 23) Use of WIC Authorization by any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former Vendor who has improperly acquired WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, and unincorporated association.
 - 24) Payment to charge the Department a maximum of fifteen percent of the total retail value of the minimum required quantity, size and type foods for each WIC Food Instrument(s) provided to the Department.
 - 25) Failure to pay the Department the amount of any reimbursement due pursuant to Section 672.200(b).
- b) Class B Violations:
- 1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.
 - 2) Failure to maintain the minimum required quantity, size and type foods, as identified in the Minimum Supply of WIC Foods as specified in the WIC Vendor Contract, but only if this failure is for two (2) or fewer WIC Foods excluding infant formula. (See the

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definition of "Minimum Supply of WIC Foods" in Section 672.100.)

3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.

4) Altering or submitting for payment altered Food Instruments.

5) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.

6) Having any expired WIC Food(s) on the shelf. (See Section 672.100 "Expired Food".)

7) Refusing to allow Participants, Proxies or Department Representatives to take all food items listed on the Food Instrument.

8) Not posting the shelf price for WIC Foods. If no price is posted, then for purposes of this Section, the Posted Shelf Price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.

9) The possession, the display on the shelf in the Vendor site, the attempted sale or actual sale of food products which originated from the WIC Food Centers or the Commodity Supplemental Food Program (CSFP).

c) Class C Violations:

1) Exchanging cash or credit for Food Instruments without a valid WIC Retail Vendor Contract.

2) Exchanging alcoholic beverages, food or non-food items for WIC Food Instruments without a valid WIC Retail Vendor Contract.

3) Exchanging WIC Food Instruments for cash, credit or favors without a valid WIC Retail Contract.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 672.510 WIC Vendor Sanctions

a) Any Class A Violation shall subject a Vendor to the following sanctions:

1) Termination from the WIC Program for a period of three years ~~one year~~; and

2) A fine assessment of \$1,500.00; and

3) Reimbursement to the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.

b) Any Class B Violation shall subject a Vendor to the following sanctions:

1) A fine assessment of \$750.00; and

2) Certification that situation giving rise to the violation has been corrected.

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c) Any Class C Violation shall subject the violator to the following sanctions:

1) A fine assessment of \$2,500.00 per violation ~~\$1,500.00~~; and

2) Reimbursement to the Department for the "Actual Dollar(s) Amount of Sale" indicated on Food Instruments submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former Vendor, individual, Business Entity, or commercial enterprise; and

3) Any individual who held any ownership interest in the violator shall be prohibited from applying to become an authorized WIC Retail Vendor for a period of three (3) years.

d) The total fine assessed in any one (1) notice of fine assessment shall not exceed \$6,000.00, regardless of the number and class of violations alleged against a Vendor.

e) All fine assessments shall be paid within thirty (30) calendar days from date of final order by cashier certified check or money order in United States currency. If the fine assessment is not received by the Department within thirty (30) calendar days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Programs
- 2) Code Citation: 11 Ill. Adm. Code 415
- 3) Section Numbers: 415.70 Proposed Action: New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) A complete description of the subjects and issues involved: This rule requires organization licensees to provide program information to intertrack wagering facilities at least 24 hours before the scheduled race program.

- 6) Will this proposed amendment replace emergency rules currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments shall be submitted, within 45 days of this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Dept.
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
(312) 814-2600

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 10, 1995
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

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- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

Section

- 415.10 Required Information
- 415.20 Supply Information for Patrons (Repealed)
- 415.30 Thoroughbred Programs
- 415.40 Harness Programs
- 415.50 Quarterhorse Programs
- 415.60 Availability of Programs
- 415.70 Distribution of Programs
- AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990; amended at 16 Ill. Reg. 7486, effective April 24, 1992; amended at 18 Ill. Reg. 17756, effective November 28, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 415.70 Distribution of Programs

Each organization licensee shall distribute its official program or provide electronic transmission of program information to all intertrack licensees and intertrack location licensees at least 24 hours before the scheduled post of the first race of its racing program.

(Source: Added at 19 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Practice and Procedure for Hearings Before the Illinois Department of Revenue

2) Code Citation: 86 Ill. Adm. Code 200

3) Section Numbers: Proposed Action:

200.101	Amendment
200.105	Amendment
200.107	New Section
200.110	Amendment
200.115	Amendment
200.120	Amendment
200.125	Amendment
200.130	Amendment
200.135	Amendment
200.137	New Section
200.140	Amendment
200.145	Amendment
200.150	Amendment
200.155	Amendment
200.160	Amendment
200.162	New Section
200.165	Amendment
200.170	Amendment
200.175	Amendment
200.185	New Section
200.190	New Section
200.195	New Section
200.200	New Section
200.210	New Section
200.215	New Section
200.220	New Section

4) Statutory Authority: 20 ILCS 39b19

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Department's hearing rules in a number of respects. The rulemaking updates the Department's hearing rules to reflect recent changes in the Department's structure with respect to the Administrative Hearings Process. Effective December 1, 1994, the Department's Administrative Law Judges report to the Chief Administrative Law Judge who reports directly to the Director of the Department. Decisions of Administrative Law Judges will be submitted by the Chief Administrative Law Judge to the Director for review and approval. The Litigators report to the General Counsel. As a result of this structural change the litigation and adjudication functions of the Administrative Hearings Process will be organizationally separate within the Department of

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Revenue.

The rules have also been updated and expanded to fully describe the various procedural and substantive requirements of the Administrative Hearings Process.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this part? No.
- 10) Statement of Statewide Policy Objectives: This rule neither creates a state mandate, nor does it modify any existing state mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Richard L. Ryan
Chief Administrative Law Judge
Illinois Department of Revenue
Administrative Hearings Division
James R. Thompson Center
100 W. Randolph Street, Level 7
Chicago, IL 60601
(312) 814-3070

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business that wishes to avail itself of the Administrative Hearings Process.

B) Reporting, bookkeeping or other procedures required for compliance:
No new reporting or bookkeeping procedures are required by this rulemaking.

C) Types of professional skills necessary for compliance: No new professional skills are required for compliance. The rulemaking details the procedural and substantive requirements of the Administrative Hearings Process.

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Effective December 1, 1994, the

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organizational structure of the Administrative Hearings Process within the Department of Revenue changed. This change is explained further in the "Complete Description" above.

The full text of the proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 200

PRACTICE AND PROCEDURE FOR HEARINGS BEFORE
THE ILLINOIS DEPARTMENT OF REVENUE

Section

200.101	Scope and Construction
200.105	Definitions
200.107	Hearing Offices
200.110	Appearances
200.115	Notice
200.120	Request For and Setting Hearings of Hearings; Sufficient Protest
200.125	Discovery
200.130	Remedies
200.135	Informal Review
200.137	Settlements
200.140	Status and Pre-trial Conferences Prehearing-Conference
200.145	Attendance of Witnesses
200.150	Stipulations
200.155	Evidence and Conduct of Hearings
200.160	Continuances
200.162	Office Dispositions
200.165	Recommendation Decision of the Administrative Law Judge
200.170	Notice of Final Decision
200.175	Rehearings
200.185	Motion Practice
200.190	Withdrawal of Representation
200.195	The Administrative Record
200.200	Filing Procedures
200.210	Disqualification of an Administrative Law Judge
200.215	Ex Parte Communications
200.220	Equal Application of Regulations

AUTHORITY: Implementing Sections 8, 9, 10 and 12 of the Retailers' Occupation Tax Act [35 ILCS 120/8, 9, 10 and 12] and Sections 908, 909, 910, 914, 915, 916 and 918 of the Illinois Income Tax Act [35 ILCS 5/908, 909, 910, 914, 915, 916 and 918] and Sections 17, 18, 19, 21 and 25 of the Cigarette Use Tax Act [35 ILCS 135/16, 17, 18, 21 and 25] and Sections 7, 9, 9a, 9b, 10 and 10a of the Cigarette Tax Act [35 ILCS 130/7, 8, 9a, 9b, 10 and 10a] and Sections 8-5, 8-6, 8-7 and 8-8 of the Liquor Control Act of 1934 [235 ILCS 5/8-5, 8-6, 8-7 and 8-8] and authorized by Section 12 of the Retailers' Occupation Tax Act [35 ILCS 120/12] and Section 1401 of the Illinois Income Tax Act [5 ILCS 5/1401] and Section 21 of the Cigarette Use Tax Act [35 ILCS 135/21] and Section 8 of the Cigarette Tax Act [35 ILCS 130/8] and Section 8-13 of the Liquor Control Act of 1934 [235 ILCS 5/8-13] and Section 39b20.1 of the Civil Administrative Code [20 ILCS 2502/39b20.1].

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SOURCE: Retailers' Occupation Tax Hearings adopted December 23, 1937; amended at 6 Ill. Reg. 2856, effective March 3, 1982; codified at 6 Ill. Reg. 15224; Part repealed, New Part adopted at 13 Ill. Reg. 6789, effective April 12, 1989; amended at 15 Ill. Reg. 3519, effective February 21, 1991; amended at 19 Ill. Reg. _____, effective _____.

Section 200.101 Scope and Construction

- a) Scope. This Part governs the practice and procedure in all contested cases in the Office of Administrative Hearings ~~Hearings Sections~~ of the ~~Legal Services Bureau of the~~ Illinois Department of Revenue (Department), including but not limited to statutory references cited in the authority note.
- b) General. In the course of administering and enforcing the provisions of the Illinois Tax laws, the Director of Revenue on behalf of the Department, or any other Department officer or employee authorized and designated in writing by the Director to act in his stead, may conduct investigations and hold hearings on matters covered by such laws and, in connection therewith, may examine books, papers, records or memoranda, may require the attendance of any person or of any officer or employee of such person, may take testimony and require the furnishing of evidence and information. A designated Administrative Law Judge, ~~who is empowered under this Section to administer~~ shall preside over the hearing (including any rehearings).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.105 Definitions

The following meanings are to be given the terms used in this Part:

Administrative Law Judge. An attorney admitted to practice law by, and in good standing before the Illinois Supreme Court ~~who is an employee of the Illinois Department of Revenue and~~ who is duly authorized and designated in writing by the Director of the Illinois Department of Revenue to convene and conduct hearings on matters under the jurisdiction of the Department. An Administrative Law Judge is specifically empowered to administer oaths and affirmations; rule on matters of proof and evidence; regulate the schedule and course of the hearing and pre-hearing process; hear and dispose of procedural and other similar matters; sign and issue orders and subpoenas; and exercise any other powers relating to the proceeding which are legally proper and reasonably necessary to carry out the responsibilities of his or her appointment. The term "Administrative Law Judge" includes the term "Hearing Officer" in all instances in which that term appears in regulations promulgated by the Department of Revenue. The authority of any person to act as an Administrative Law Judge shall

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not be a matter of proof in any hearing before the Department.

Litigator. A Special Assistant Attorney General, employed in the Department's Office of Legal Services, ~~Staff Attorney~~ ~~An Attorney~~ admitted to practice law by and in good standing before the Illinois Supreme Court, who is duly authorized and designated in writing by the Director of the Illinois Department of Revenue to present the Department's case and otherwise represent the Department's interest in hearings and status and pre-trial ~~prehearing~~ conferences on all matters covered by the relevant tax Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.107 Hearing Offices

Hearing offices for the Department are located at the James R. Thompson Center, 100 West Randolph Street, Level 7, Chicago, Illinois, and the Willard Ice Building, 101 West Jefferson Street, Level 5SW, Springfield, Illinois. Office hours, including that of the Administrative Clerk, are from 8:30 a.m. through 5:00 p.m., Monday through Friday, excluding official State holidays.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.110 Appearances

a) At hearings or pre-trial matters before the Department, a party to the proceeding may represent himself or he may be represented at the hearing by any person who is admitted to practice as an attorney at law by, and is in good standing before, the Supreme Court of Illinois, or who is permitted by a circuit court granting leave to appear pro hac vice to practice law in a case before the Department ~~in~~ ~~not~~ ~~by~~ ~~rules-of-comity~~. A corporation may be represented by an officer, or other authorized employee, in any matter hearing wherein the contested tax liability or claim does not exceed \$2,500.00, \$17500 exclusive of penalties and interest.

b) Accountants and others not qualified to practice law in this State may not appear at hearings or pre-trial proceedings in a representative capacity, but such persons may testify at hearings before the Department, and may assist counsel in the preparation of cases for presentation to the Administrative Law Judge at hearings.

c) No person shall be allowed to act ~~appeal-in-any-matter~~ in a representative capacity in any matter before the Department, nor shall he or she be entitled to notice of or other information regarding any action or proceeding before the Department, without first filing with the Office of Administrative Hearings an appearance and a Power of Attorney on in a form provided by the Department.

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d) No attorney shall be allowed to appear or otherwise to be heard in a representative capacity in any hearing or pre-trial proceeding before the Department, nor to file any papers, documents, pleadings or motions without first filing an Appearance on a form provided by the Department or otherwise adapted from those used by the Circuit Courts of this State. Such Appearance ~~appearance~~ and Power of Attorney as may be filed shall be effective only for the particular matters having been protested unless otherwise consolidated with other proceedings by order of the assigned Administrative Law Judge.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.115 Notice

a) In the absence of an agreement by the parties as to a time and place for an evidentiary hearing, pre-trial or status ~~a-hearing-prehearing~~ conference, notice of the time and place fixed for any such hearing, pre-trial or status ~~prehearing~~ conference shall be given to the person or persons concerned, or their legal counsel, if appropriate, authorization is on file, not less than 14 24 days prior to the day fixed for such proceeding ~~the-hearing-except-that-for-hearings-at-prehearing-conferences-set-as-a-result-of-a-continuation-of-hearing-not-less-than-3-days-prior-to-the-day-fixed-for-the-continued-hearing-or-prehearing-conference~~. Personal service of the notice ~~of~~ ~~hearing-or-prehearing-conference~~ addressed to the person concerned at his last known address, or and to his authorized representative, is sufficient. ~~the-time-limitation-for-notice-as-affixed-herein-shall-not-apply-to-general-hearings-that-not-apply-to-revocatory-matters-wherein-30-days-after-continuation-matters-for-hearings~~

b) For all motions in accordance with Section 100.195 of this Part, whether for continuance or otherwise, notice of the time and place set for hearing on such motion shall be not less than 2 calendar days, if personally served, or less than 5 calendar days, if by regular United States mail, prior to the time set to be heard on that motion.

c) No person or persons, other than the aggrieved party for whom a protest has been filed, shall be entitled to notice of any proceeding before the Department nor of any action in relation thereto, without first having filed a requisite Power of Attorney with the Office of Administrative Hearings. Persons who have filed such Power of Attorney, as well as the protesting party, shall keep the Office of Administrative Hearings apprised of any change in their address which may subsequently occur.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 200.120 Request For and Setting Hearings of--Hearing; Sufficient Protest

a) No hearing, except as may be provided in Section 200.180(a), or as otherwise granted by the Department, may be initiated without the filing of a timely protest requesting such hearing, by an aggrieved person following the issuance by the Department of a Notice of Deficiency, Tax Liability, Penalty Liability, Tentative or Actual Denial of Claim, an adverse ruling relating to tax exemption status, licensure, or any other contested matter under the jurisdiction of the Department. For all non-income tax matters, no communication with the Department shall be considered a valid protest unless, at the very least, it is timely, in writing, clearly identifies the particular action (assessment, deficiency, denial of claim, etc.) of the Department that is being protested and specifically requests a hearing thereon. Any hearing is to be initiated with the filing of a protest by the taxpayer or a claimant after issuance by the Department of a notice of deficiency (income tax), notice of tax liability or notice of penalty liability (Sales and Excise Taxes) or a tentative notice of claim denial or an adverse ruling relating to tax exemption status, licensure, or any other contested case under the jurisdiction of the Department.

b) In matters relating to income taxes, in order to be deemed a sufficient protest, in addition to referring by date and taxpayer's identification number to the Notice of Deficiency or Claim Denial and taxable year(s) involved, the protest must set forth a specific objection to each proposed adjustment item with which the taxpayer disagrees and each item objected to must be supported by a succinct statement of facts relied upon with any supporting schedules, evidence, or information. The taxpayer, under penalty of perjury, is required to declare that he has examined the protest and that to his best knowledge and belief the facts stated are true, correct and complete. However, in lieu of certification by the taxpayer, the taxpayer's representative may so certify if he indicates that he has prepared the statement and other materials. Failure to state to object in the protest to any particular adjustment or issue pertinent to a proposed assessment, or to such an item claimed but denied, shall be deemed a waiver or concession thereof.

c) In the event that the Department considers a protest to a Notice of Deficiency, deficiency or a Notice of Claim Denial, tentative claim denial relating to income taxes to be insufficient as a basis for a hearing (or rehearing), the taxpayer, or claimant, or his authorized representative, shall have 30 days after the mailing of written notice thereof by registered or certified mail to file (or to arrange to file if there is adequate reason for any extension) a sufficient protest. In determining whether there is adequate reason for an extension, the Department Administrative Law Judge shall consider such factors as, but not limited to, the volume of protests

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filed; the nature and complexity of legal issues raised; the unavailability of a party's legal representative; and the number of previous requests for extension. In the event a sufficient protest is not filed within such 30-day period (or as extended), the matter shall thereupon be closed. A Notice of Deficiency shall be issued upholding the liability or denial of claim in order to be deemed a sufficient protest in addition to referring by date and taxpayer's identification number to the notice of deficiency or tentative notice of claim denial and taxable year(s) involved, the protest must set forth a specific objection to each proposed adjustment item with which the taxpayer disagrees and each item objected to must be supported by a succinct statement of facts relied upon with any supporting schedules, evidence, or information. The taxpayer under the penalty of perjury is required to declare that he has examined the protest and that to his best knowledge and belief the facts stated are true, correct and complete. However, in lieu of certification by the taxpayer, the taxpayer's representative may so certify if he indicates that he has prepared the statement and other materials.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.125 Discovery

Discovery in matters pending before the Office of Administrative Hearings a Hearing Section of the Illinois Department of Revenue shall be limited to the following, unless otherwise provided by law:

- a) No discovery may be initiated by any party until such time as the case upon which the protest is based has been docketed by the Office of Administrative Hearings, given an identifying docket number and a notice of automatic status conference issued. Each different type of discovery sought shall be by a separate document, labeled accordingly. For all Notice(s) of Deficiency, Tax Liability, Penalty Liability, Tentative Denial or Denial of Claim in which the base amount, exclusive of penalties and interest, does not exceed \$10,000.00, no discovery other than production of documents, requests to admit, and written interrogatories shall be allowed, except by leave of the presiding Administrative Law Judge. In all other matters, discovery may be accorded as detailed in subsections (c) through (h) below.
- c) Hearings shall not be delayed to permit discovery unless due diligence is shown by the party seeking the discovery.
- da) Production of Documents. Any party may, by written request, direct any other party to produce for inspection, copying, reproduction or photographing any specified documents, or to disclose information calculated to lead to the discovery of the whereabouts of any of these items, whenever the nature, contents, or condition of such documents is relevant to the subject matter and is not privileged. The request shall specify a reasonable time, which shall not be less than 28 days,

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within which the related actions are to be performed and the place and manner of making the inspection and performing the related acts. The production, inspection, copying or photographing of any departmental records shall be limited to that done on Department premises, unless other arrangements can be made with the consent of both parties. ~~One copy of the request shall be filed with the Administrative Law Judge with the proof of service on all other persons entitled to notice.~~ A person served with a written request for production of documents shall:

- 1) Comply with the request within the time specified, or
- 2) Serve upon the person so requesting, written objections on the grounds ground that the request is improper in whole or in part and state the reasons therefor. Any objection to the request or refusal to respond shall be heard by the Administrative Law Judge upon prompt notice and motion of the party submitting the request in accordance with Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40] ~~(111 Rev. Stat. 1917, ch. 127 par. 4319-40).~~

- 3) Upon request, furnish an affidavit stating whether the production is complete in accordance with the request.

(b) Request for Admissions. A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request, and/or for the ~~and a written request for~~ admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. ~~It~~

Response to Request. Each of the matters concerning admission of fact, or the genuineness of each document for which admission of fact is requested, shall be admitted, unless, within 28 days after service of the request or such additional time as may be granted by the Administrative Law Judge, the person to whom the request is directed serves upon the requesting party either:

1A) A sworn statement denying specifically the matter on which admission of fact is requested, or setting forth, in detail, the reason why he cannot truthfully admit or deny those matters. A denial shall fairly meet the substance of the requested admission. If good faith requires that a party qualify his answer or deny only a part of an admission of fact, he shall specify so much of it as is true and deny or qualify the remainder. An answering person may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiries and that the information known or regularly obtainable by him is insufficient to enable him to admit or deny said fact; or

2B) A written objection on the grounds ground that some or all of the requested admissions of fact are privileged or irrelevant. A party who considers that a matter, as to which an admission has been requested, presents a genuine issue for the hearing may not

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~~on that ground stated in the request.~~ An objection on the grounds of relevance may be noted by any party but it is not to be regarded as just cause for refusal to admit or deny. If written objections to a request are made, the remainder of the request shall be answered within the period designated in the request. A requesting party, upon receipt of any objection, may have such objection(s) heard and determined by the Administrative Law Judge upon prompt notice and motion directed thereto. Any objection to a request to an answer shall be heard by the Administrative Law Judge upon prompt notice and motion by the party making the request.

32) Effect of Admission. Any admission made by a party to a request under this rule is for the purpose of the pending action only. It does not constitute an admission by him for any other court proceeding proceedings and may not be used against him in any other proceeding.

(c) Interrogatories. Any party may serve interrogatories in the same manner and with the same limitations as imposed by Supreme Court Rule. The number of written interrogatories served shall not exceed 10, inclusive of all subsections, except by leave of the presiding Administrative Law Judge upon motion therefor made. Supplemental interrogatories are permissible.

(d) Depositions. Any party may serve notice and take the deposition(s) of another person as may be permitted by Supreme Court Rule except as otherwise limited by this Section. (See subsection (b), above)

h) Expert Witnesses. All parties are under an affirmative obligation to disclose the identity of expert witnesses as provided in Supreme Court Rule 220 (S.Ct. Rule 220). The failure to disclose such expert(s) in a timely fashion, with or without an order requiring same, shall bar the admission or consideration of any testimony, in either oral or written form, which may be sought from such witness(es).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.130 Remedies

a) Any party or their counsel, upon failure of the opposing party to answer or appropriately respond to any discovery request, may seek by way of motion addressed to the Administrative Law Judge assigned to the case or another appointed in his/her stead, to compel a response or appropriate answer be given to the request(s) made. In seeking the remedy under this Section, it shall not be required that the provisions of Section 201(k) of the Supreme Court Rules be followed, but only that an attempt to achieve compliance with the provisions of the request was made prior to seeking the assistance of the Administrative Law Judge.

b) If a party, officer, director or managing agent of a party fails to

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~~admit-or-deny-any-fact-or-admit-or-deny-the-genuineness-of-any document-or-otherwise-fails-to~~ to comply with a reasonable discovery request after being ordered to do so by the Administrative Law Judge, said presiding officer ~~judge~~ may make such further orders as to the failure as are just, including, but not limited to ~~and-among-others the-following:~~

~~1a)~~ An order that the matters regarding which the order of compliance was made or any other designated facts shall be taken as true and established for the ~~purpose purposes~~ of the case in accordance with the claim of the party obtaining the order;

~~2b)~~ An order refusing to allow the disobedient party to support or oppose designated defenses, or prohibiting him from introducing designated matters or documents in evidence;

~~3e)~~ An order staying further proceedings until the order is obeyed or rendering a judgment by default against the disobedient party.

~~4d)~~ In ordering sanctions, the Administrative Law Judge shall consider the following factors, including, but not limited to:

~~Aa)~~ The diligence of the person making the request;

~~Ba)~~ The burden of compliance on the party subject to the request;

~~Ca)~~ The reasonableness of the failure to comply ~~admit~~;

~~Dd)~~ Circumstances which may prevent compliance.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.135 Informal Review

a) The Department may designate an impartial employee, in accordance with the provisions of Section 39b20.1 of the Civil Administrative Code [20 ILCS 2505/39b20.1], who has authority and knowledge to recommend an appropriate conclusion of the matter involving an assessment or proposed liability prior to hearing, and to review adjustments recommended by examiners and auditors. The informal review process affords non-attorneys, such as certified public accountants and corporate officers, an opportunity to resolve disagreements with the Department after a liability has been proposed or assessed but before the formal administrative hearing process is commenced, wherein the taxpayer is required to be represented by a licensed attorney. The Department shall conduct such a review process only if requested by a taxpayer or his representative within 30 days after the filing of a timely and sufficient protest. A request for an informal review shall include a list of all supportive documentation to be presented at the review conference.

b) A taxpayer may be represented by any person of his choice a nonattorney during the informal ~~this~~ review process. The taxpayer's chosen representative at this point need not be an attorney. Any Power of Attorney filed by a non-attorney shall be sufficient for

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participation in the informal review provided by this Section and for no other proceeding or part of a proceeding during any phase in the administrative hearing process.

c) ~~The Department shall designate an employee, other than designated employee--shall-not-be~~ the staff attorney authorized to represent the Department at the hearing, to conduct the informal review.

d) The employee designated to conduct the informal review conference shall review the adjustments recommended by the examiner or auditor to determine whether adequate grounds for the assessment of the liability exist given the factual information provided by the taxpayer prior to, and at the time of, the conference, and the applicable statutory and regulatory law for the period of the assessment. As a result of the information provided at such conference, the person designated to conduct the informal review and the taxpayer may mutually agree to refer the case to the Audit Bureau for audit to resolve factual issues. At the conclusion of the conference and/or audit, the employee may recommend with regard to all or some of the issues:

1) That the issue(s) be resolved in favor of the taxpayer, if it is determined that the law does not adequately support the assessed or proposed liability; or

2) That the issue(s) be fully resolved by administrative hearing, if it is determined that there are insufficient facts to conclusively determine that the taxpayer has overcome the premises upon which the proposed or assessed liability is based.

e) A recommendation that the issue(s) be resolved by administrative hearing is not a final decision of the Department within the meaning of Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and, therefore, may not be appealed.

f) Documents provided to the employee designated to conduct the informal review process may be made part of the administrative hearing record in the same manner as other items proffered by either party as evidence to be introduced into the record.

g) Offers of settlement must be tendered in accordance with Section 200.137 of this Part, and such offers will not be considered by the employee designated to conduct the informal review conference. Tender of an offer of settlement to the informal reviewer will result in the case being referred to the assigned litigator or to the litigation supervisor for appropriate evaluation and disposition of the offer.

h) In all cases where a timely request for informal review has been made, the initial automatic status conference which is set under the provisions of Section 200.140 herein shall instead serve as the date for an informal review conference. The impartial reviewer appointed to examine the case, unless it is his/her determination to send the file for audit, shall have a maximum of 90 days following the initial review date to submit a recommendation either resolving the controversy or that the case proceed to hearing. If no such recommendation is submitted within that period, or as it may be extended by the presiding Administrative Law Judge, the case shall be

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returned to the hearing calendar and any informal review shall be deemed closed.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.137 Settlements

- a) Once a protest and request for hearing has been filed, all offers made by taxpayers or their duly authorized representatives for the purpose of settling either all or some part of an outstanding dispute regarding any assessed liability, proposed deficiency or claim for credit or refund, must be made in the manner and with the information indicated in subsection (e), below. Additional information may be tendered to the extent it may assist the Department in evaluating the proposal.
- b) Offers shall be made only to the litigator representing the Department on a specific case. If no litigator is assigned, an offer should be made either to the litigation supervisor of the particular tax section or, if unavailable, to the Chief of Tax Litigation. Settlement proposals made by purported representatives without requiring authority on file (i.e., Power of Attorney and/or Appearance) will be rejected summarily. Offers may be made by non-attorney representatives, provided they conform to the provisions of this subsection (b) and subsections (e)(1) through (e)(7), below.
- c) The sole purpose of the format is to allow the Department to analyze the settlement offer and respond to it. Therefore, any statements made by a taxpayer on the settlement form will be considered to be made in the course of good faith negotiations and will not be admissible against the taxpayer in any proceeding. Any offer once received may be accepted, rejected or countered by the Department and the taxpayer or its representative shall be notified of such in writing.
- e) The minimum information to be supplied upon a settlement offer shall consist of the following:
 - 1) The name, address and telephone number of the person submitting the offer;
 - 2) The complete name, address and identification number (i.e., IBT, FEIN or SS) of the taxpayer(s) for whom the offer is being made;
 - 3) The docket number of the case or cases in the Office of Administrative Hearings to which the offer will pertain;
 - 4) The original amount of the liability/claim and penalty (the latter designated by type) and period involved for each taxpayer within a docketed case;
 - 5) The issue or issues involved and whether same are non-recurring;
 - 6) A statement of whether the taxpayer is currently being audited and, if a corporation, whether its parent or subsidiaries are being audited. If such audit is taking place, the name of the

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- 7) related taxpayer and the status of the audit shall be disclosed. The terms of the settlement offer, including specific, proposed net dollar amounts, identification of issues to be conceded by either party and the supporting rationale for acceptance of the settlement.

- f) Settlements offered subsequent to the issuance of a notice or order setting a case for hearing shall not be cause to delay the hearing unless, in the discretion of the Administrative Law Judge and on representation of the parties, the offer is likely to finally resolve the controversy at issue. In all other cases, settlement offers which have not been responded to or otherwise resolved within 30 days after being tendered, or within such final extension of time as may thereafter be granted, shall be considered rejected and shall cause the case to be restored to the regular hearing calendar.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.140 Status and Pre-trial Conferences Prehearing-Conference

- a) As soon as any protested case is docketed with the Office of Administrative Hearings section, the Department shall cause a notice to be issued to the taxpayer, or authorized representative, setting the matter for an initial status conference to be held within 45 days thereof before the presiding Administrative Law Judge. The purpose of the automatic status conference shall be, inter alia, to initially determine the respective positions of the parties in reference to the controversy; ascertain the need and scope of discovery, if any; to set a tentative discovery cut-off date; and explore the possibility of settlement. There shall be no continuance of an initial status conference. If a conflict in scheduling arises, the parties may arrange to meet with the assigned Administrative Law Judge earlier than the set date or to otherwise confer by teleconference with the participation of the Administrative Law Judge. This Section shall not apply when a case is set for hearing, including notice thereof, to be held within 60 days after being docketed by the Office of Administrative Hearings.
- b) In all cases pending before the Office of Administrative Hearings any Hearing Section of the Department, the Administrative Law Judge may hold a pre-trial prehearing conference. The object of the pre-trial prehearing conference, as distinguished from other stages in the hearing process, is to clarify, isolate and dispose of problems concerning testimony and evidence to be presented at the hearing itself. At the conference, counsel familiar with the case and authorized to act shall appear to consider matters including, but not limited to:
 - 1a) simplification of the issues and organizing the hearing;

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- 2b) the possibility of obtaining stipulations, admissions of fact and of documents which will avoid unnecessary proof;
- 3c) ascertaining and/or limiting the number of witnesses;
- 4d) any other matters which may aid in the disposition and/or facilitation of the case matter; and
- 5f) set a hearing date.
- A pre-trial conference shall be conducted expeditiously by the Administrative Law Judge. Agreements or determinations on the simplification of issues, uncontested facts, admissibility of evidence or other matters pertaining to the conduct and scope of the hearing shall be entered on the record by a written order of the Administrative Law Judge.
- When setting matters for hearing, the respective parties shall, to the extent possible, estimate the length of time necessary for the presentation of testimony and submission of evidence as the case may require. Upon such estimate, the Administrative Law Judge shall schedule hearing of the matter to take place on consecutive working days and proceed in like manner until the hearing is concluded. If, at the expiration of the allotted schedule, further proceedings are still deemed necessary for the purpose of completing the examination of witness evidence, and no time is available on an immediately succeeding day, the case shall be set over to and reconvened on the earliest available day(s) for conclusion.
- A prehearing conference shall be an informal proceeding conducted expeditiously by the Administrative Law Judge. Agreements or determinations on the simplification of issues, uncontested facts, admissibility of evidence or other matters pertaining to the conduct and scope of the hearing shall be entered on the record by a written order of the Administrative Law Judge.
- Failure to appear. Status and pre-trial conferences are deemed to be a necessary and integral part of the overall hearing process and as important as the hearing itself. The failure to appear at or participate in a status or pre-trial conference for which due notice has been given shall be considered a waiver of any protest filed and shall be cause for termination of the proceedings and immediate disposition of the matter against such party. Any person so affected may seek to vacate the waiver and reopen the proceeding by the filing of a motion, within 30 days after the entry of an order of default, showing good cause why they failed to appear or participate. If no such motion is filed within the time allowed, the disposition of the case shall be considered final.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.145 Attendance of Witnesses

- a) An Administrative Law Judge, at his/her own instance, or on the timely written request of a taxpayer who is a party to the proceedings, or of the staff attorney, may issue subpoenas requiring the attendance of witnesses and the giving of testimony and may issue subpoenas duces tecum requiring the production of books, papers, records or memoranda. Such subpoena shall be issued and enforced in accordance with the applicable provisions of the Act under which the hearing is authorized. However, no subpoena as may be issued pursuant to this rule shall be valid or enforceable without the signature of the presiding Administrative Law Judge and the affixation of the Department's seal.
- b) A taxpayer or his legal representative may require the attendance at hearing of a relevant and necessary witness who is a departmental employee by the timely issuance of a notice to appear in the same manner as provided by Supreme Court Rule 237 (S.Ct. Rule 237 ~~11th Rev. Stat. 1987-1988-1989-1990-1991-1992-1993~~). The Department may also use such notice to require the attendance of a taxpayer or any employee, officer, director or partner thereof.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.150 Stipulations

- a) The parties ~~may be required to stipulate to the fullest extent to which complete or qualified agreement can be reached on all matters not privileged which are relevant to the pending case, regardless of whether such matters involve fact or opinion or the application of law or fact. Included in matters which may required to be stipulated to are all facts, all documents, public records and papers or contents or aspects thereof, and all evidence which is not in dispute. Where the truth or authenticity of facts, records or evidence claimed to be relevant by one party is not disputed, it is not necessary for the parties to stipulate to the materiality or relevance of that evidence, nor to attach those documents or evidence as part of the record, an objection on the ground of materiality as relevance may be noted by any other party but is not to be regarded as just cause for refusal to stipulate. The requirement for stipulation applies under this rule without regard to where the burden of proof may lie with respect to matters involved. Documents or papers or other exhibits annexed to or filed with the stipulation will be considered part of the stipulation.~~
- b) An executed stipulation prepared pursuant to this rule, and any related exhibits, shall be filed by the parties at the time directed by the Administrative Law Judge, prior to or at the commencement of the hearing. The stipulation shall be in writing and be clear and concise. Separate items shall be stated in separate paragraphs, and shall be appropriately lettered or numbered. A stipulation shall be

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treated, to the extent of its terms, as a conclusive admission by the parties to the facts stipulated stipulation. A party will not be permitted to qualify, change or contradict a stipulation in whole or in part, except where the ends of justice so require. A stipulation and admissions of fact therein shall be binding and have effect only in the pending case and not for any other purpose and cannot be used against any of the persons thereto in any other case or proceeding.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.155 Evidence and Conduct of Hearings

a) The procedure at hearings shall be similar to that in court proceedings. The order in which evidence is to be presented shall be determined by the party which, at a given point, must sustain the burden of proof. In accordance with Section 10-40 of the Illinois Administrative Procedure Act, the rules of evidence as used in the civil courts of this State shall govern the conduct of any matter at hearing. However, in the conduct of any matter at hearing, neither the Department nor any officer or employee thereof, or the taxpayer who is a party to the hearing, shall be bound by the technical rules of evidence in the taking or admission of proofs. Hearsay is not a technical rule of evidence and may not be admitted, except to the extent that it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Evidence shall be admitted in accordance with Section 10-40 of the Illinois Administrative Procedure Act. When a party will not be prejudiced, procedures may be adopted for the submission of all or part of the evidence in written form.

b) Only evidential and related matters having or possibly having a bearing on the adjustments or issues involved in the case shall be heard and considered. Thus, any presentation or attempted presentation of matters not germane to the adjustments or issues of the case shall be heard only to a limited extent sufficient to enable Departmental or court review of the correctness of its exclusion, due to being ruled inadmissible, from the hearing record.

c) Exhibits which are to be introduced in evidence at a hearing shall be marked for identification in advance of the hearing and before being formally offered in evidence. All exhibits shall be marked using a numerical sequence only. Use of alphabetic or alphanumeric identification is not favored. Group exhibits shall disclose the number of pages within the group.

d) Records of or kept by the Department of Revenue may be proved in any hearing by a reproduced copy of such record under the Certificate of the Director.

e) The Administrative Law Judge shall rule on objections as to the admissibility of evidence and on other matters raised for determination at the time they are presented and shall not be deferred

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to be ruled upon by written recommendation. Evidence excluded by rulings of the Administrative Law Judge shall, nevertheless, be placed in the record so that the question of its admissibility may be passed upon by a reviewing court, provided an offer of proof has been made. In this connection, however, an Administrative Law Judge may require that excluded testimony or other evidence be presented in a condensed form so as to avoid needless repetition and undue length of the hearing record.

f) With the exception of Section 200.135(f) of this Part, all evidence in support of any issue, whether in the nature of testimony, documents, or other physical matter, shall be taken in the course of and on the date(s) set for hearing. An Administrative Law Judge shall not accept or consider evidence of any form or nature which is received or submitted outside of or subsequent to the hearing itself, nor permit same under any circumstances, without the express written and recorded agreement of the parties.

g) Briefs and Briefing Schedules. Except upon written agreement of the parties and approval of the presiding Administrative Law Judge, no brief or memorandum submitted in support of or in opposition to any issue, either before, during or after hearing, shall exceed 50 pages in length, double spaced type. No briefing schedule shall extend more than a maximum of 75 days beyond the last day of the hearing. No party shall have the right to file any brief, memorandum, supplementary argument or other matter beyond the date it is due as set by order, without first giving notice and obtaining leave of the presiding Administrative Law Judge to do so instant. No party shall have the right to file any supporting argument not contemplated by order without obtaining leave in the same fashion.

h) Administrative Law Judges acting in the absence of any assigned Department staff attorney may not consent to abrogate the requirements of subsections (f) and (g) of this Section.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.160 Continuances

a) There shall be no continuances of any initial status conference as provided by Section 200.140. However, see Section 200.140(a) for available alternatives.

ba) No continuance of a scheduled hearing or pre-trial conference date shall be granted by the Administrative Law Judge except for good cause shown. No second or subsequent continuance of any hearing or pre-trial conference shall be granted except upon written authorization of one of the following officers or employees of the Illinois Department of Revenue:

1) The Manager of the Appropriate Tax Hearings Division;

2) The Assistant Manager of the Appropriate Tax Hearings Division.

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- 1) the Chief Administrative Law Judge, or
- 2) designated Supervisory Administrative Law Judges.
- 3) ~~the Manager of the Hearing Division.~~

c) In determining whether there is good cause shown for a continuance, the Administrative Law Judge ~~or Assistant Manager~~ shall consider such factors as: the volume of cases pending ~~protests filed~~; the nature and complexity of legal issues raised; the diligence of the party making the request; the availability of a party's legal representative ~~or witnesses~~; and the number of previous requests for continuance. In addition, the Administrative Law Judge may consider the actions or omissions of the taxpayer and/or the taxpayer's representative(s) or of the Department and/or the Department's representative, whether during the audit or during the administrative hearing process, which caused or contributed to unreasonable delay. In no event shall an Administrative Law Judge grant a general continuance. Every continuance shall be to a date and time certain.

d) In a proceeding relating to the revocation or refusal to issue a certificate of registration, permit or license, no continuance at all shall be granted except by one of the Department employees included in the enumeration contained in subsection (b) above ~~of this Section~~.

ge) All requests for continuance shall be in writing, and where made by attorneys, shall be in the form of a motion, stating the exact reasons therefor, and shall be submitted to the Administrative Law Judge and the representative of the non-moving party, ~~staff attorney~~ if any, for a hearing on said motion ~~representing the Department~~ not later than 48 hours prior to the scheduled hearing or status or pre-trial conference date. Any request for continuance made within the 48 hour period or otherwise not comporting with this Part shall not be considered unless of an emergency nature. The Administrative Law Judge is empowered to require written verification of such emergency as soon thereafter as is practical.

f) No request for continuance may be granted, nor is any grant valid, without notice to all parties and an opportunity to object placed on record at a hearing on said motion. No party shall assume the granting of a continuance for any matter upon submission of the request alone. The disposition of all motions for continuance, whether granted or denied, shall be by written order. Staff attorneys for the Department are not empowered to grant any continuance of, nor cancel a set status or pre-trial conference or hearing without approval of the presiding Administrative Law Judge by written order.

g) Motions for continuance having been received by the Department from a person or persons purporting to represent the protesting party shall not be calendared nor considered unless a valid Power of Attorney pertaining to the proceeding at issue is on file with the Office of Administrative Hearings or otherwise accompanies the motion.

hd) The rescheduling of a case for a further hearing after an actual hearing or partial hearing has been held is regarded as a continuance

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unless reconvened on the next succeeding business day.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.162 Office Dispositions

In circumstances where the hearing process is terminated prior to the convening of a formal hearing due to the voluntary or involuntary resolution of the controversy, the Department may conclude the case by way of office disposition. All office dispositions shall be entered by order of the presiding Administrative Law Judge assigned to the case and shall not be subject to publication which may otherwise be required of hearing recommendations. The following represent fact situations, without limitation, which may warrant the office disposition of a case:

- a) The taxpayer voluntarily, and in writing, withdraws the protest or otherwise consents to a Notice of Tax Liability, Notice of Deficiency, Denial of Claim or other Departmental action;
- b) An informal review has been conducted pursuant to Section 200.135 of this Part wherein the employee designated to conduct the review has recommended a full and complete resolution of contested issues;
- c) The litigator has examined all facts and circumstances associated with a particular case and it is the litigator's opinion that the law and/or regulations do not support the action taken or decision made by the Department;
- d) As the result of a readuit, the taxpayer and the Department reach an agreement as to the appropriate application of the law to the facts.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.165 Recommendation Decision of the Administrative Law Judge

Upon conclusion of when the hearing is concluded, and the taking of evidence, the Administrative Law Judge shall submit make a recommendation for disposition of the pending dispute report thereon to the Director, in accordance with the provisions of Sections 10-50 to 10-70 Article 10 of the Illinois Administrative Procedure Act [5 ICS 100/10-50 to 10-70] ~~111 Rev Stat 1997 ch 127 par 1010-5 et seq~~. The Director, or his designee, upon receipt of the recommendation submitted, may accept or reject such recommendation, in whole or part, or remand the matter for additional proceedings. Any final administrative decision issued by the Director, or his designee, shall be made upon the facts of record and all conclusions which may be reasonably derived therefrom. All final administrative decisions which result from hearing recommendations shall be made available for publication as may be provided by law. In all other matters, whether by agreement, withdrawal, cancellation or otherwise, the case shall be closed by order of the Administrative Law Judge terminating the proceedings.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.170 Notice of Final Decision

The Department's final administrative decision shall be served upon on the persons affected thereby, or their including legal counsel, if appropriate authorization whose appearance is on file, either personally or by United States registered or certified mail, addressed to the person concerned at his or her last known address.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.175 Hearings

a) After the issuance of a final assessment or a Notice of Tax Liability which has become final pursuant to Section 4 or Section 5 of the Retailers' Occupation Tax Act [35 ILCS 120/4 or 5] ~~1987-CH-129-PARS-443-AND-444~~ ~~1987-REV-STAT-907-CH-129-PARS-443-AND-444~~ or another Act in which Section 4 or Section 5 is incorporated by reference, the Department, at any time before such assessment is reduced to judgment, may grant a rehearing or grant review and hold an original hearing (in cases of failure to timely protest) upon the application of the person aggrieved.

b) To be considered for initial review or rehearing, a taxpayer must submit a written application therefor to the Chief Administrative Law Judge ~~manager-of-the-hearings-section~~, offering specific and detailed rationale for each basis used to support the request. Where a rehearing is sought following issuance of a final Departmental departmental decision, all errors of fact or law viewed as affecting the validity of that decision must be set forth. If new evidence, not previously available and which taxpayer was not required to maintain or keep as part of its own records, is sought to be admitted, explanation of the nature of that evidence and how it affects the decision shall also be included. In any instance where the request for rehearing follows a finding of default, the reason(s) for failure to appear shall be given, accompanied by an affidavit or other required document(s) verifying the statement(s) offered. In determining whether to permit an initial review or rehearing, the Department Administrative-law-judge shall consider such factors as: the offer of proof with respect to matters in controversy; new evidence and the nature and complexity of legal issues raised; the diligence of the person seeking the rehearing; the passage of time between the finalization of the assessment and the request for review. No second or subsequent application for review or rehearing relating to the same operative set of facts shall be considered by the Department.

c) Following Department evaluation of an application for review or

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rehearing:

1A) The applicant taxpayer shall be advised in writing of the decision to either ~~it~~ grant or deny the request ~~or it~~ that such ~~application has been approved.~~

2B) In each instance where an application for review or rehearing is denied, the Department, in its notice thereof, shall set forth the reasons therefor in explanation of the denial.

d3) In any case where the issue to be heard involves one or more assessed liabilities, approval of any application for review or rehearing ~~may~~ shall be conditioned upon the taxpayer's remittance to the Department, within 30 days of issuance of the notice, of a deposit of not more than 25% of the total liability incurred.

e4) In any case where an application for rehearing follows a finding of default in the original proceeding, approval of such application ~~may~~ shall be further conditioned upon reimbursement to the Department, within the same 30-day period, of outstanding charges for court reporting services having been incurred for that default.

5) ~~No second or subsequent application for review or rehearing relating to the same operative set of facts shall be considered by the Department.~~

f6) If a rehearing (or an original hearing, in the case of failure to timely protest) is held, the recommendation ~~report~~ of the Administrative Law Judge and a notice of final decision shall be made as provided in Sections 200.165 and 200.170.

gb) In the event of the filing of a timely protest and granting of a rehearing pursuant to Section 908(c) or Section 910(c) of the Illinois Income Tax Act [35 ILCS 5/908 and 910] ~~1987-REV-STAT-907-CH-129-PARS-9-987-AND-9-988~~, the case and the hearing record shall be reopened and resumed to include the rehearing proceedings. Thereafter, as soon as practicable, the Department shall issue a notice of final decision, in accordance with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100.10-50], which in the Department's discretion, shall be supported for purposes of the record by a statement in the nature of an opinion summarizing the facts from the record together with applicable law and rationale.

h) In any circumstance where a rehearing may be granted after the original has taken place, no new or additional discovery may be initiated by any party to the proceeding.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 200.185 Motion Practice

a) Any party to a proceeding pending before the Office of Administrative Hearings of the Department may raise an issue or seek to dispose of all or part of the proceeding by way of a timely motion. Any motion which is authorized under the Code of Civil Procedure [735 ILCS 5] as

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practiced in this State, which may be utilized in normal civil practice and is not otherwise inconsistent with administrative practice and procedure, contrary to the tax laws, or outside the scope of an Administrative Law Judge's authority, may be employed. Such motions may include out are not limited to: summary judgement; dismissal; consolidation; motions in limine; etc.

b) It shall be the duty and responsibility of the person submitting the motion to bring it before the presiding officer of the case to which it pertains, after proper notice has been served, for hearing and disposition. Any motion filed in any matter before the Department which is not caused to be heard on its merits (unless otherwise extended by written order) within 10 days after service of the motion or notice thereof, shall be deemed to have been waived and thereby stricken from the record.

c) Any motion filed shall be clearly designated as such and shall contain in its caption the name of the case, docket number and type of motion brought. Motions shall bear evidence of a certification of service and notice to the appropriate parties.

d) The Department is empowered to designate a specific day or days during the work week in which to hear motions that have been filed. The Department may also designate a person or persons to hear and dispose of such motions even though they may not be the Administrative Law Judge(s) before whom a particular case may be pending.

e) Any party wishing to have a motion heard shall contact the Office of the Administrative Clerk (see Section 200.200) either in person or by telephone to determine available dates and times and have the matter placed upon the regular motion call.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.190 Withdrawal of Representation

a) No representative party, once having filed a Power of Attorney or Appearance in any matter before the Office of Administrative Hearings of the Department of Revenue, shall be allowed to withdraw from that representation without first having served notice of intent upon all parties to the cause, making the reasons for such withdrawal known of record, and securing leave of the presiding officer on the case to so withdraw.

b) No representative party who is intending to substitute for or replace one who has already filed an Appearance or Power of Attorney shall have the right to do so unless the provisions of subsection (a), above, have been fulfilled, and any such filing in violation of this Section shall be deemed a nullity.

c) Once a matter has been set or otherwise noticed for hearing, leave to withdraw or substitute as counsel for a taxpayer may be denied by the presiding Administrative Law Judge if granting such request would act

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to delay the hearing.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.195 The Administrative Record

a) Upon the filing of a complaint in the Circuit Court of any county in this State for the judicial review of a final administrative decision of the Department, the record of administrative proceedings before the Department on that decision shall constitute the Department's Answer. In accordance with Section 10-35 of the Administrative Procedure Act (5 ILCS 100/10-35), the record in each case, unless otherwise agreed upon by the parties, shall consist of the following matters:

- 1) All pleadings (including all notices and responses thereto), motions, and rulings;
- 2) All evidence received;
- 3) A statement of matters officially noticed;
- 4) Any offers of proof, objections and rulings thereon;
- 5) Any proposed findings and exceptions;
- 6) Any decision, opinion, or report by the Administrative Law Judge;
- 7) All staff memoranda or data submitted to the Administrative Law Judge;
- 8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act.

b) No document of any nature shall be considered to be part of the administrative record unless it has been marked and offered or received in evidence during the course of a hearing of has otherwise been filed with the Administrative Clerk and bears an appropriate stamp as a certification of such filing. Any document not complying with this requirement shall not be considered nor have any legal effect before this agency.

c) The parties shall be under a duty to keep the record to a reasonable minimum wherever possible. In all cases, the record shall be limited to issues which are legitimately in dispute. Documents or other items which pertain to factual matters which are not being contested nor challenged, or which may be redundant or repetitive, should be excluded from the record. Copies of tax returns, unless they are necessary for proving a contested factual issue, should also be excluded.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.200 Filing Procedures

a) The Office of the Administrative Clerk is hereby established for the purpose of receiving, registering and maintaining all documents which

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are or may become part of the administrative record of proceedings before the Department. Pleadings, papers, memoranda, motions and other matters not otherwise received into evidence during a hearing shall be filed with the Clerk and be stamped as having been duly registered. No document not otherwise having been admitted into evidence during a hearing shall become part of the administrative record without the stamp of the Clerk affixed thereto as proof of filing.

b) With the exception of the initial protest, requests for rehearing and matters admitted into evidence during a hearing or pre-trial proceeding, all papers, pleadings, motions and other documents filed with the Department by a party in reference to any pending action shall bear the name of the proceeding as designated by the Department and the docket number assigned. Unless obvious on their face, such documents shall further be titled within the caption to disclose the nature of what is being filed (e.g., Motion to Dismiss; Proposed Findings of Fact and Conclusions of Law; Notice of Deposition; Post-Trial Supporting Memorandum; etc.). Documents which are not titled in the manner required shall not be accepted by the Clerk and shall not be part of the administrative record.

c) All documents filed with the Administrative Clerk must be done in person, by process of United States mail, or other private courier service. Filings by facsimile transmission will not be accepted. The filing date of any document delivered by United States Mail or courier service shall be as of the postmark or transmittal date appearing on the envelope or delivery packet. Taxpayers and/or their representatives who wish to be furnished with registered copies of any documents submitted to the Clerk through the mail or courier service must include a stamped, self-addressed envelope with the filing.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.210 Disqualification of an Administrative Law Judge

a) Any party to a hearing proceeding may, following notice and an opportunity to object, move to disqualify the assigned Administrative Law Judge on the basis of bias or conflict of interest. An adverse ruling or rulings rendered against the party or its representative in any previous matter(s) shall not, in and of itself, constitute sufficient grounds for disqualification under this Section. On satisfactory proof submitted by the moving party in support of the allegations made, the designated Administrative Law Judge shall immediately recuse him/herself from the proceeding and submit the case for reassignment.

b) No motion for disqualification shall be permitted after any substantive ruling has been made on the case by the Administrative Law Judge, unless it pertains to a conflict of interest not previously

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disclosed.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.215 Ex Parte Communications

a) Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis, the Director or Assistant Director of Revenue, agency employees and Administrative Law Judges shall not, with respect to any contested matter pending, communicate directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or the representative of any party, except upon notice and an opportunity for all parties to participate.

b) An employee of the Department may communicate with other employees, and an employee or Administrative Law Judge may have the aid and advice of one or more personal assistants. However, with the exception of conversations related to scheduling and/or the signing of agreed orders, Administrative Law Judges shall not discuss the aspects of any contested case pending before the Office of Administrative Hearings with a party or representative outside the presence of without the consent of the opposing party.

c) An ex parte communication received by the Director, Assistant Director or Administrative Law Judge shall be made part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.

d) Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications under this Section.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 200.220 Equal Application of Regulations

It is the intent of this Part to be applied equally to all parties to hearings before this agency, with the exception of requirements for the filing of Powers of Attorney and Appearances, all rights, restrictions, prohibitions, duties and responsibilities imposed by this Part shall have equal import upon the Department and its legal representatives as they do upon taxpayers or their representatives. Any Section herein which may be fairly read to state otherwise shall be construed consistent with this declaration unless otherwise provided by law.

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(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Client Service Planning
- 2) Code Citation: 89 Ill. Adm. Code 305
- 3) Section Numbers: Adopted Action:
305.80 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/4]
- 5) Effective Date of Amendments: June 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1995
- 9) Notice of Proposal Published in Illinois Register:
December 30, 1994 18 Ill. Reg. 18164
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference between proposal and final version: Other than minor editing and formatting changes, there are no differences between the proposed and final versions.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|------------------------------------|
| 305.20 | Amend | March 24, 1995 (19 Ill. Reg. 3619) |
| 305.30 | Amend | March 24, 1995 (19 Ill. Reg. 3619) |
| 305.40 | Amend | March 24, 1995 (19 Ill. Reg. 3619) |
- 15) Summary and Purpose of These Adopted Amendments: These amendments require that decision reviews now be sent to the Administrative Hearings Unit instead of the Bureau of Quality Assurance.
- 16) Information and questions regarding these adopted amendments shall be

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directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station # 222
Springfield, Illinois 62701-1498
(217) 524-1983; TTY: (217) 524-3715

The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 99: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 305
CLIENT SERVICE PLANNING

Section	Purpose
305.10	Definitions
305.20	Introduction to Client Service Planning
305.30	Types of Permanency Goals and Alternative Permanency Options
305.40	Service Plan
305.50	Case Review System
305.60	Roles and Responsibilities of the Administrative Case Reviewer
305.70	Decision Review
305.80	Parent-Child Visitation
305.90	Evaluating Whether Children in Placement Should Be Returned Home
305.100	Termination of Parental Rights
305.110	Planning for the Termination of Services
305.120	The Department's Role in the Juvenile Court
305.130	Compliance With the Client Service Planning Requirements
305.140	

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2057.1) [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675 (1991)), Section 801-1 of the Juvenile Court Act (Ill. Rev. Stat. 1991, ch. 37, par. 801.1) [705 ILCS 405/1-1], and Section 1 of the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1501 et seq.) [750 ILCS 50/1].

SOURCE: Adopted and codified at 5 Ill. Reg. 1456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. 17200, effective December 1, 1994; amended at 19 Ill. Reg. 7141, effective JUN 01 1995.

Section 305.80 Decision Review

- a) When a service provider, including foster parents or relative caretakers, or the child's caseworker with supervisory approval, disagrees with any portion of the service plan, including any amendments made by the administrative case reviewer, the provider will be entitled to a review of the issue.
- b) Requests for a review shall be directed, within 5 working days after the administrative case review, to the Bureau of Quality Assurance

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- Administrator of the Administrative Hearings Unit.
- c) A decision review conference shall be held within 10 working days after the receipt of the request. A final decision will be made by the ~~Deputy Director, Bureau of Quality Assurance~~ person appointed by the Director of the Department or designee, within 10 working days after the conference.
- d) Except when an issue affects compliance with a court order or the residual rights of parents, implementation will be stayed until the decision review conference is held. The residual rights of parents as defined in Section 94-3.1-3 of the Juvenile Court Act of 1987 ~~and Rev. Stat. 1997-01-37, Section 94-3.1-3~~ [2005 ILCS 405/1-3] include the rights to visitation, to consent to adoption and to determine the minor's religious affiliation.
- e) If changes to the service plan are required by the decision review, copies of the changes will be sent to all those who are entitled to a copy of the service plan with a notice of the specific changes made, the reason for the changes and a statement of the right to appeal any such changes.
- f) When children and/or parents disagree with any portion of the service plan, they may request a hearing in accordance with 89 Ill. Adm. Code 337, Service Appeal Process.

(Source: Amended JUN 01 1995 19 Ill. Reg. 7171, effective)

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- 1) Heading of the Part: Service Appeal Process
- 2) Code Citation: 89 Ill. Adm. Code 337
- 3) Section Numbers: Adopted Action:
 337.30 Amendment
 337.70 Amendment
 337.100 Amendment
 337.210 Amendment
 337.230 Amendment
- 4) Statutory Authority: [20 ILCS 505/4 and 5]
- 5) Effective Date of Amendments: June 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 1, 1995
- 9) Notice of Proposal Published in Illinois Register: December 30, 1994 18 Ill. Reg. 18168
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference between proposal and final version: Other than minor editing and formatting changes, there are no differences between the proposed and final versions.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these proposed amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|--------------|------------------------------------|----------------------------|
| 337.10 Amend | March 24, 1995 (19 Ill. Reg. 3719) | |
| 337.20 Amend | March 24, 1995 (19 Ill. Reg. 3719) | |
| 337.60 Amend | March 24, 1995 (19 Ill. Reg. 3719) | |
| 337.70 Amend | March 24, 1995 (19 Ill. Reg. 3719) | |
- 15) Summary and Purpose of These Adopted Amendments: These amendments incorporate the address change of the Administrative Hearings Unit and

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eliminate the involvement of Bureau of Quality Assurance in the appeal process.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Office of Rules and Procedures
Address: Department of Children and Family Services
406 East Monroe St., Station # 222
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER 1: SERVICE DELIVERY

PART 337
SERVICE APPEAL PROCESS

Section	Purpose
337.10	Definitions
337.20	The Service Appeal Process
337.30	Department and Provider Agency Responsibilities on Appealable Issues
337.40	The Right to a Service Appeal
337.50	Who May Appeal
337.60	What May Be Appealed
337.70	What May Not Be Appealed
337.80	Notices of Department or Provider Agency Decisions
337.90	How to Request a Service Appeal
337.100	Grounds for Dismissal of a Service Appeal Request
337.110	Time Frames for the Service Appeal Process
337.120	Continuing Services During the Service Appeal Process
337.130	Confidentiality During the Service Appeal Process
337.140	Notice Concerning a Service Appeal
337.150	Abandonment of a Service Appeal
337.160	Fair Hearing Appeal Rights
337.170	The Administrative Law Judge
337.180	Record of a Fair Hearing
337.190	Combined Hearings
337.200	Continuances Requested in a Combined Hearing
337.210	The Final Administrative Decision
337.220	Who Receives a Copy of the Final Administrative Decision
337.230	Notice of the Availability of Judicial Review
337.240	Severability of This Part
337.250	

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act (20 ILCS 504.4 and 5).

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. 2175, effective **JUN 01 1995**

Section 337.30 The Service Appeal Process

The service appeal process for the Department of Children and Family Services consists of a mediation, which is optional, and a fair hearing. Initiation of a service appeal does not preclude ongoing discussion between the parties to resolve the appealed issues. If mediation resolves the issues, an agreement is drawn up with the assistance of the mediator and signed by the parties. In some instances the issue on appeal is too immediate to await the final

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administrative decision on the action. An emergency review may be held in lieu of mediation on the specific issues, and an interim decision will be issued by the reviewer pending the fair hearing and final administrative decision.

a) Mediation

- 1) The Department shall offer mediation to an appellant within 30 calendar days from the date of appeal in an attempt to resolve his or her issues. The appellant may accept or reject an offer to participate in mediation. No issues addressed and determined by an emergency review may be addressed in mediation. If mediation is successful, an agreement is drawn up, with assistance by the mediator, and signed by the parties. This constitutes a resolution of the fair hearing, but the appellant may reinstate the request for hearing if the agreement is violated.
- 2) If the dispute is not resolved in mediation, or if the appellant rejects the mediation agreement and the Department receives written notice of this rejection at least 15 calendar days after the mediation session, the appellant may then proceed to the fair hearing.
- 3) The individual conducting the mediation shall be trained as a mediator and shall have no prior involvement in the case.
- 4) Any party participating in mediation shall be prohibited from subpoenaing the mediator or documents developed during the mediation process in any subsequent proceeding.

b) Emergency Review

An emergency review allows for an interim decision pending a fair hearing and can be requested by a party. The request for an emergency review must be in writing and shall be submitted to the Bureau of Quality Assurance, Department of Children and Family Services, Suite 6-2000, 100 West Randolph, Administrative Hearings Unit, Department of Children and Family Services, 160 North LaSalle, 6th Floor, Chicago, Illinois 60601. The emergency review must be requested within ten calendar days of the date of an appeal. A determination will be made whether the issues are appropriate for emergency review. If they are appropriate, the Department shall schedule an emergency review and the reviewer shall issue a decision, which shall include any corrective orders, within ten calendar days from the date of the request for emergency review. The Department shall implement the order within five calendar days from the date the decision was issued by the reviewer. An emergency review is held to consider only the following issues on appeal:

1) Lack of Timely Notice Due to Imminent Risk of Harm

A party may request an emergency review within ten calendar days of the date of appeal on any issue where the Department or provider agency has taken action without timely notice because the child was determined to be at imminent risk of harm. The reviewer shall consider only whether imminent risk of harm existed to justify the Department or provider agency action

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without timely notice. If the reviewer determines imminent risk of harm did not exist, the reviewer shall order corrective action.

- 2) Continuing Services Pertaining to Changes in Family Visitation and Placement During the Service Appeal
Where services pertaining to the family visitation plan and changes in placement remain unchanged because an appeal has been requested within ten calendar days of the date of notice, a party may request an emergency review, if that party has reasonable cause to believe that imminent risk of harm to the child will result if services remain unchanged during the appeal process. The only issue to be considered by the reviewer is whether imminent risk of harm to the child is likely to result from the stay of action. If the reviewer determines imminent risk of harm to the child is likely to result, the reviewer may order corrective action.

c) Fair Hearing

At a fair hearing, the administrative law judge conducts a hearing in which the Department and all parties may present evidence supporting their position. The administrative law judge then makes a recommendation to the Director of the Department based on the evidence presented at the hearing. The burden of proof shall be on the Department to show by a preponderance of the evidence that the decision made was in the best interests of the child, in accordance with professional social work standards and Department administrative rules.

(Source: Amended at 19 Ill. Reg. 7175, effective JUN 01 1995)

Section 337.70 What May Be Appealed

a) By Families and Children

Families and children may appeal the following issues:

- 1) the denial, in whole or in part, of child welfare or day care services in accordance with 89 Ill. Adm. Code 303, Access to and Eligibility for Day Care Services, requested by families, children, or an individual legally appointed to represent a minor, incompetent or incapacitated person or the failure of the Department or its provider agency to decide, within 30 calendar days of the date of the request, whether to grant or deny services requested by the parents or children;
- 2) a decision to reduce, suspend or terminate services;
- 3) the choice of a permanency goal or the denial of a request for a change in permanency goal;
- 4) the failure to complete a service plan within 30 calendar days of case opening or the failure to review the service plan within the Department's specified time frames;

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- 5) the failure to provide services as specified in the service plan with reasonable promptness or within the time frames as provided in the service plan;
- 6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;
- 7) a change in the placement of the child;
- 8) the imposition of unnecessary services or conditions as part of a service plan;
- 9) a denial of a relative's request for placement with that relative of a child for whom the Department is legally responsible.

b) By Foster Parents and Relative Caregivers

- 1) Foster parents may appeal the following issues:
 - A) decisions made by the Department or its provider agency which directly affect the foster parent, such as payment issues, as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;
 - B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
 - C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
 - D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), relative(s), or sibling(s), placements for purposes of adoption as ordered by the court, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.
- 2) Relative caregivers may appeal the following issues:
 - A) decisions made by the Department or its provider agency that directly affect the relative caregiver, such as payment issues as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;
 - B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
 - C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
 - D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive

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- parent(s), placements for purposes of adoption as ordered by the court, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.
- 3) Foster parents and relative caregivers have the right to be heard by the Bureau of Quality Assurance Department on issues specified in 89 Ill. Adm. Code 305, Client Service Planning, Section 305.80, Decision Review, which issues are not appealable under this Part. However, they will not be considered a party to the service appeal on issues which may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, minor's religious affiliation and other issues which do not directly affect the foster parents themselves or their roles as caregivers of the child. The residual rights and responsibilities of parents are further defined in Section 801-3 of the Juvenile Court Act of 1987 ~~Public Act 89-1111~~ Public Act 89-1111 ~~Rev. Stat. 1987~~ Rev. Stat. 1987 ~~ch. 37~~ ch. 37 ~~par. 901-3~~ par. 901-3 [705 ILCS 405/1-3].

c) By Relatives

Relatives who are denied placement of a related child may appeal the denial.

(Source: Amended 1995 19 Ill. Reg. 7175, effective JUN 01 1995)

Section 337.100 How to Request a Service Appeal

- a) The appellant shall request a service appeal in writing within 45 calendar days of the date of notice. The appellant shall include in the request his or her name, address, and a statement of the intent to appeal. The appellant may also submit a general statement of the issue(s) appealed, a brief written summary stating his or her position regarding the Department's decision, and may include additional information for the Department to consider as to why the Department should change its decision.
- b) If the appellant wishes the services to remain unchanged during the time of the appeal, the appellant shall request an appeal in writing within ten calendar days of the date of notice.
- c) The request for a service appeal must be in writing and shall be submitted to the Bureau of Quality Assurance Department of Children and Family Services, 160 North LaSalle, 4th Floor, Chicago, Illinois 60601.
- d) If the appellant is unable to request a service appeal in writing the Department or provider agency shall provide assistance to ensure that the request is made in writing.

(Source: Amended at 19 Ill. Reg. 7175, effective

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Section 337.210 Continuances Requested in a Combined Hearing

The ~~Deputy Director of the Bureau of Quality Assurance or the Administrator of the Administrative Hearings Unit--whichever is appropriate~~ shall also consider requests for continuances by any party. The best interests of the child or children is the determining factor when deciding these issues. A final administrative decision must be made on the service appeal and implemented within 90 days of the date the Department received the request for the service appeal, extended by any delay caused or approved by an appellant.

(Source: Amended at 19 Ill. Reg. 7175, effective JUN 01 1995)

Section 337.230 Who Receives a Copy of the Final Administrative Decision

The appellant, authorized representative of the child, the parent or parents, any authorized or court appointed representative as defined in Section 337.60 of this Part, the administrative law judge, the Department's field-site office, the Department representative presenting the case, the Department's regional administrator, ~~the Deputy Director of the Bureau of Quality Assurance~~ the Administrator of the Administrative Hearings Unit, and if they participate in the appeal and request it, the provider agency, guardian ad litem, foster parent, and purchase of service provider agencies shall receive a copy of the final administrative decision.

(Source: Amended at 19 Ill. Reg. 7175, effective JUN 01 1995)

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Nonpublic Special Education Facilities

2) Code Citation: 23 Ill. Adm. Code 401

3) Section Number: Adopted Action:

401.10 Repeal
401.20 Repeal
401.30 Repeal
401.40 Repeal
401.50 Repeal
401.60 Repeal
401.70 Repeal
401.80 Repeal
401.90 Repeal
401.100 Repeal
401.110 Repeal
401.120 Repeal
401.130 Repeal
401.140 Repeal

4) Statutory Authority: 105 ILCS 5/14-7.02

5) Effective Date of Rules: May 10, 1995

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: April 20, 1995

9) Notice of Proposal Published in Illinois Register:

July 1, 1994; 18 Ill. Reg. 19733

10) Has JCAR issued a Statement of Objections to this rule? No.

11) Difference(s) between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested; no letter was issued.

13) Will this repealer replace an emergency repealer currently in effect? No.

14) Are there any amendments pending on this Part? No.

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NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Rules: This Part is being repealed and concurrently replaced with a new Part covering the same subject matter.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Richard Basden
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
 (217) 782-2948

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Nonpublic Special Education Facilities
- 2) Code Citation: 23 Ill. Adm. Code 401
- 3) Section Number: Adopted Action:
- | | |
|---------|-------------|
| 401.5 | New Section |
| 401.10 | New Section |
| 401.20 | New Section |
| 401.30 | New Section |
| 401.110 | New Section |
| 401.120 | New Section |
| 401.130 | New Section |
| 401.140 | New Section |
| 401.150 | New Section |
| 401.210 | New Section |
| 401.220 | New Section |
| 401.230 | New Section |
| 401.240 | New Section |
| 401.250 | New Section |
| 401.260 | New Section |
| 401.270 | New Section |
| 401.280 | New Section |

- 4) Statutory Authority: 105 ILCS 5 14-7.02, 14-7.03a, and 14-8.01

- 5) Effective Date of Rules: May 1, 1995

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 8) Date Filed in Agency's Principal Office: April 20, 1995

- 9) Notice of Proposal Published in Illinois Register:

May 1, 1994; 18 Ill. Reg. 9/56

- 10) Has JCAR issued a Statement of Objections to this rule? Yes.

- 11) Difference(s) between proposal and final version:

The authority note has been expanded to refer to Sections 14-7.03a and 14-8.01 of the School Code.

A new Section 401.5 (Definitions) has been added. Definitions for

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"Exceptional Children," "Individualized Education Program," "Instructional Programs," "Professional Staff," "Program," "Related Services," "Residential Programs," and "Special Education" are presented in this Section.

In Section 401.10, "approval process" has been changed to "program approval process." A new stipulation has been added in the middle of the introductory paragraph to state, "A program not approved in accordance with the requirements of this Part shall not be used by school districts to serve students with disabilities under Section 14-7.02 of the School Code." The statutory citation has been inserted at the end of the introductory paragraph.

Section 401.10(a) has been revised to begin, "An application for initial approval of educational program(s) and/or residential program(s)..."

Section 401.10(a)(1) now refers to a written description of "each program for which approval is requested." The requirement for describing "in educational terms" the students to be served has been deleted, and a requirement for indicating the maximum number to be served has been added.

Section 401.10(a)(2) has been changed to call for a "written plan for the administration and organization of the program(s)."

Section 401.10(a)(2)(B) has been revised to require a plan for the allocation of space "solely for program purposes."

Section 401.10(a)(3) has been changed to require a calendar for the program instead of for the school year; "providing for" has been changed to "reflecting;" and "planned instructional programming for each student has been deleted twice in favor of "operation."

Section 401.10(a)(4) now requires out-of-state facilities to demonstrate compliance with applicable state fire codes, "or if there is no state fire code the applicable local fire code."

Examples have been added to the end of Section 401.10(a)(5).

At the end of Section 401.10(a)(6), the phrase "as applicable" has been changed to "if applicable."

Section 401.10(a)(8) has been changed to read, "For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions, which demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 of this Part in order to operate the program."

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Section 401.10(a)(9) has been changed to read, "For instructional programs, summaries of related services provided by the facility's professional staff or available to the facility under contract which demonstrate that the facility has sufficient related services available to operate the program."

The end of Section 401.10(b) has been changed to state, "and recommending approval or disapproval of its programs."

Section 401.10(c) as proposed has been deleted, with subsection (d) relabeled to (c) and restated as follows: "A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved. The facility shall be notified in writing of the date of program approval."

The first line of Section 401.10(c)(1) now refers to approval instead of eligibility and to the program's calendar rather than the facility's; in the last phrase, "withdrawn earlier" has been changed to "changed."

Section 401.10(c)(2) has been restated: "A program shall serve only the specific student population(s) described in the approved application."

A new subsection (d) has been inserted into Section 401.10.

A new sentence has been added to the end of Section 401.10(e) regarding the denial of an application for renewal of approval.

Section 401.10(f) as proposed has been deleted.

In Section 401.20(a), the phrase "approved pursuant to the provisions of this Part" has been deleted, and "each affected school district" has been changed to "each school district with which it has entered into contracts for services."

The first part of Section 401.20(b) has been reworded to state, "A nonpublic facility shall also notify the State Board of Education in writing, so that such notification is reasonably calculated to be received..."

The phrase "pursuant to Section 401.10(a)(5) of this Part" has been inserted into Section 401.20(b)(3) after "its approved application."

The period at the end of Section 401.20(b)(5) has been changed to a semicolon.

Section 401.20(b)(6) has been restated as follows: "For instructional

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programs, any change in the number, type or duties of the professional positions identified as part of the facility's application for approval or in the licensure status/credentials of any individual employed in such a position."

Section 401.20(b)(6)(A) has been changed to refer to "any professional position" instead of "any administrative or staff position." The phrase "replace such staff member(s)" has been changed to "permanently fill such positions."

In Section 401.20(b)(6)(B), "that a facility has operated for more than 60 consecutive calendar days without required staff and/or" has been deleted, and "in a program" has been inserted between "changes" and "as required." The approval status has been attributed to the program instead of the facility.

Section 401.30 has been revised to begin, "Programs approved to serve students..." The last sentence of the introductory paragraph has been restated to read, "Such evaluation shall result in either retention of approved status or assignment of one of the following:", and subsection (a) as proposed has been deleted. Subsection (b) has been relabeled to (a) and changed to refer to "noncompliance by an approved program." The time allotted for remedying noncompliance has been amplified to state, "60 calendar days."

In Section 401.30(a)(2), "its" has been changed to "the program's."

In Section 401.30(a)(3), "placements of" has been deleted and "into the affected program(s)" has been inserted after "from public school districts." The phrase "for any programs" has been inserted before "for the next school year," and "corrected" has been changed to "resolved."

Section 401.30(c) as proposed as been relabeled to 401.30(b) and the first sentence changed to refer to a program rather than a facility. The time allotted has been changed to "30 calendar days."

In Section 401.30(b)(1), "receipt of" has been inserted before "notification" and "from the State Board of Education" has been inserted after "notification," "its approval status" has been changed to "program approval status." After "affected facility shall," "submit a written" has been inserted. Before "its plans," "describing" has been inserted.

In Section 401.30(b)(4), "placements of" has been deleted and "into any program whose" has been inserted in place of "while its." The first two sentences have been rearranged so that the second one ends after "into such programs." The balance of this subsection now reads, "Upon notification of the designation of 'pending Further Review' status, a public school district shall identify alternative arrangements for its

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students in the program, for implementation in the event that the State Board of Education notifies the district that the violations are not remedied. Notification of "Pending Further Review" status shall not be used as a basis for removing students from the program by the public school district.

Section 401.30(d) as proposed has become subsection (c). The first sentence has been rewritten: "A status of 'Nonapproved' shall be assigned to a program or programs previously assigned a status of 'Approved with Administrative Review' or 'Pending Further Review' when the nonpublic facility exhibits substantial and/or recurrent instances of noncompliance, showing..." The second sentence has been changed to refer to a program rather than a facility and to state, "if any instances of noncompliance which present imminent danger to the students exist." The State Board is to verify rather than be notified by a school district; "and intentionally" has been inserted before "ceased;" and "contract(s) and IEP(s)" has been changed to "contract(s) and one or more students' IEP's."

In Section 401.30(c)(1), "in the nonapproved program(s)" has been inserted before "for the remainder."

Section 401.30(c)(2) now provides for ten business days' notice. The last sentence of this subsection now ends as follows: "...affected school districts to enable them to implement other arrangements prior to the effective date of nonapproval, as required."

A new subsection 401.30(c)(3) has been added.

Section 401.30(e) as proposed has been relabeled (d). The words "become nonapproved" have been changed to "have its residential program(s) nonapproved." Before "ineligible," "will be" has been inserted.

Section 401.30(f) as proposed has been relabeled (e). The words "special education" have been deleted. The phrase "become nonapproved" has been changed to "have its affected program(s) nonapproved;" "will be" has been inserted before "ineligible."

Section 401.30(f) now contains new text.

The introduction to Section 401.110 now correctly refers to "Individualized Education Program." Subsections 401.110 (b), (c), (d), and (f) have been substantially rewritten.

The titles of Subparts H and I of Part 226 have been inserted into Section 401.120.

Section 401.130 has been changed to conclude, "...ensure that 176 school days and, if a summer program is operated, 120 hours of instruction, are

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provided for each program."

Text has been added to the end of Section 401.140 to provide the title of Subpart D of Part 226 and to provide for deviations from the age range and class size requirements set forth therein.

Section 401.220(a) has been reorganized to distinguish between requirements applicable to Illinois facilities and those applicable to out-of-state facilities.

Section 401.220(f) has been amended by deleting everything after "of any enrolled student."

Section 401.230(a)(2) has been amended by adding after "unexcused absence" a comma and "unless the district requires a more frequent reporting schedule."

The titles of Subparts H and I of Part 226 have been inserted into Section 401.230(b).

In Section 401.240, subsection (b) has been entirely rewritten and subsections (b)(1) and (b)(2) have been deleted. Subsections (c) and (d) have also been substantially revised. Subsection (e) now refers to "qualifications" instead of "certificates, licenses, or registrations." A new subsection (f) has been added.

The word "approvals" has been inserted in Section 401.260(a)(3), after "certificates,".

Technical corrections have been made in Section 401.260(b) and (c), in references to foregoing rules.

Section 401.270(a)(3) now requires, "Evidence of compliance with 23 Ill. Adm. Code 226.440." Section 401.270(a)(9) now states, "Termination records, when applicable."

The statutory citation in Section 401.270(c) has been corrected.

Section 401.280(a) has been revised to state that tuition charges must "not exceed the allowable costs approved pursuant to Section 14-7.02 of the School Code."

Section 401.280(b) has been revised to refer to a program rather than a facility and to specify "approved pursuant to Section 14-7.02 of the School Code."

Section 401.280(c) now refers to "students with disabilities who, pursuant to the IEP, are" in place of "disabled students."

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Section 401.280(e)(9) has been rewritten to state that the subject costs and revenues "shall be included in the facility's rate calculations under Section 14-7.02 of the School Code."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these rules replace emergency rules currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: These rules are being proposed to replace existing rules on the same subject. The new Part has been developed to strengthen the standards which nonpublic special education programs must meet, so that they will be comparable to those applicable to public school special education programs. For example, applicable requirements for certification and licensure are being phased in; out-of-state facilities will have to demonstrate licensure or approval by authorities in the states where they are located; a new conditional approval status has been established; and each facility will be required to adopt a policy and procedures designed to safeguard students' privacy.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Richard Basden
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-2948

The full text of the adopted rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401

NONPUBLIC SPECIAL EDUCATION FACILITIES

SUBPART A: APPROVAL OF NONPUBLIC FACILITIES

Section

- 401.5 Definitions
- 401.10 Application for Eligibility
- 401.20 Notification Requirements
- 401.30 Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section

- 401.110 Use by School Districts
- 401.120 Placement Procedures
- 401.130 Operating Schedule
- 401.140 Provision of Instructional Program
- 401.150 Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section

- 401.210 General Requirements
- 401.220 Health and Safety Requirements
- 401.230 Student Progress Reports and Reviews
- 401.240 Staffing Requirements
- 401.250 Staff Training
- 401.260 Staff Records
- 401.270 Student Records
- 401.280 Fiscal Provisions

AUTHORITY: Implementing and authorized by Section 14-7.02, 14-7.03a, and 14-8.01 of the School Code 105 ILCS 5/14-7.02, 14-7.03a, and 14-8.01.

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 373, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 45/6, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part 0 1995 adopted at 19 Ill. Reg. 7163, effective

MAY 10 1995

SUBPART A: APPROVAL OF NONPUBLIC FACILITIES

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Section 401.5 Definitions

"Exceptional Children" means all children designated eligible for services under Article 14 of the School Code 405 ILCS 5/Art. 14.

"Individualized Education Program (IEP)" means a written statement for an exceptional child that provides at least a statement of: the child's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services; the extent of participation in the regular education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives.

"Instructional Programs" means those activities which are intended to meet the annual goals and the instructional objectives set forth in the individualized education programs for exceptional children.

"Professional Staff" means administrators, supervisors, teachers, and providers of related services who either provide or direct the provision of instruction or related services specified in the IEPs of students served, or who evaluate student progress or evaluate the provision of such instruction or related services. Professional staff does not include persons providing services other than instructional and related services specified in the IEP or whose duties are limited to assisting professional staff.

"Program" means either an instructional program or a residential program.

"Related Services" means the developmental, corrective, and other supportive services provided by qualified personnel such as social workers, psychologists, guidance counselors, or other qualified personnel, which services are required to assist a handicapped child to benefit from special education and may include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services for diagnostic or evaluation purposes, transportation, school health services, social work services, and parent counseling and training.

"Residential Programs" means programs to provide placements pursuant to 23 Ill. Adm. Code 226.420 which do not include services included in instructional programs.

"Special Education" means those instructional and resource programs and related services, unique materials, physical plant adjustments,

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and other special educational facilities described or implied in Article 14 of the School Code which, to meet the unique needs of exceptional children, modify, supplement, support, or are in the place of the standard educational program of the public schools. The term includes speech pathology and vocational education.

Section 401.10 Application for Eligibility

Each nonpublic facility seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code 105 ILCS 5/14-7.02 shall be subject to the approval process described in this Section. A program not approved in accordance with the requirements of this Part shall not be used by school districts to serve students with disabilities under Section 14-7.02 of the School Code. The requirements of this Part shall also apply to the use of nonpublic facilities by public school districts pursuant to Section 14-7.03a of the School Code 105 ILCS 5/14-7.03a.

a) An application for initial approval of educational program(s) and/or residential program(s), presented on forms supplied by the State Board of Education and containing all the items enumerated in this subsection (a), shall be submitted to the State Board. Each application shall include:

- 1) An accurate, written description of each program for which approval is requested, which shall indicate the categories and ages of students with disabilities for whom it is specifically intended and the maximum number of students the program is intended to accommodate.
- 2) A written plan for the administration and organization of the program(s), including but not limited to:
 - A) The stated purpose and scope of the nonpublic facility;
 - B) A plan for the allocation of space solely for program purposes; and
 - C) An organizational chart that reflects the governance, administrative, and educational structures of the nonpublic facility.

3) The facility's proposed calendar for the program for which approval is sought, setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of operation.

4) A copy of the State Fire Marshal's most recent inspection report, which shall be no more than 24 months old at the time of application and shall indicate no violations, or, for an out-of-state facility, equivalent, current documentation of compliance with applicable state or local fire codes, or if there is no state fire code the applicable local fire code, clearly identifying the issuing authority.

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- 5) Assurances, signed by the facility's chief administrator, conveying such information as the State Board of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).
- 6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure or approval by the Department of Children and Family Services, the Department of Mental Health and Developmental Disabilities, or the Department of Public Health, if applicable.
- 7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential program(s) in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state.
- 8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions, which demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 of this Part in order to operate the program.
- 9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the facility under contract which demonstrate that the facility has sufficient related services available to operate the program.
- 10) A copy of the facility's policy and procedures for safeguarding students' privacy and dignity, as required by Section 401.220(b) of this Part.
 - b) If the application is complete, State Board staff or, in the case of an out-of-state facility, a designee shall visit and evaluate the facility for the purpose of verifying the accuracy of the application, evaluating the facility's conformance with the other requirements of this Part, and recommending approval or disapproval of its program(s).
 - c) A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved. The facility shall be notified in writing of the date of program approval.
 - 1) Such approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30 of this Part.
 - 2) A program shall serve only the specific student population(s) described in the approved application.
 - d) The nonapproval of an initial application shall include a notice of specific deficiencies which caused the nonapproval and the opportunity to request a hearing pursuant to the Illinois Administrative Procedure

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Act 5 ILCS 100 and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

- e) An application for renewal of approval, consisting of all the components set forth in subsection (a) of this Section, must be submitted for any subsequent year in which a facility seeks to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code. The submission deadline shall be the April 15 prior to the beginning of the school year in question. If April 15 is not a business day, the deadline shall fall on the next business day. The approval process for any such subsequent year may also involve site visits, at the sole discretion of the State Board of Education. The denial of an application for renewal of approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c) of this Part.

Section 401.20 Notification Requirements

- a) A nonpublic facility which intends to cease operations or to discontinue any of its approved programs shall ensure that the State Board of Education and each school district with which it has entered into contracts for services receive no less than 60 calendar days' written notice of such an intention.
 - b) A nonpublic facility shall also notify the State Board of Education in writing, so that such notification is reasonably calculated to be received at the State Board's office at 100 North First Street, Springfield, Illinois 62777, within five calendar days, of:
 - 1) Any change in a special education program described in its approved application;
 - 2) Any change in its educational administration and organization, as described in its approved application;
 - 3) Any change in the facility's compliance with applicable fire prevention regulations or other federal, state, and local laws, ordinances, or regulations, as described in its approved application pursuant to Section 401.10(a)(5) of this Part, or in the physical facilities used;
 - 4) Any change in the facility's approval or licensure to provide a residential program as described in its approved application, if applicable;
 - 5) Any change in the facility's approval or licensure to operate in a state other than Illinois as described in its approved application, if applicable;
 - 6) For instructional programs, any change in the number, type or duties of the professional positions identified as part of the facility's application for approval or in the licensure status/credentials of any individual employed in such a position.
- A) If any professional position subject to the notification requirements of this Section remains vacant, the nonpublic

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facility must provide written notification to the State Board after 30 calendar days and again after 60 calendar days of its attempts to permanently fill such positions and of other efforts, including the use of substitutes, undertaken in order to provide necessary instruction and related services to the students enrolled.

- B) If the State Board determines that the facility has not reported staffing changes in a program as required, the State Board shall change the approval status of the program accordingly, pursuant to the provisions of Section 401.30 of this Part.

Section 401.30 Changes in Approval Status

Programs approved to serve students with disabilities under Section 14-7.02 of the School Code shall be evaluated periodically by the State Board of Education. Such evaluation may take place for any reason, with or without prior notice to the facility, and at the sole discretion of the State Board of Education and may or may not involve a site visit. Such evaluation shall result in either retention of approved status or assignment of one of the following.

- a) A status of "Approved with Administrative Review" shall be assigned when an instance of noncompliance by an approved program is first identified during a school year and the State Board determines that such noncompliance does not substantially affect the safety of, or provision of appropriate education to, the students enrolled. The facility shall have 60 calendar days to remedy the noncompliance.
 - 1) No more than 30 calendar days after notification that it is approved with administrative review, an affected facility shall file with the State Board of Education a progress report describing actions taken to correct the instance(s) of noncompliance identified.
 - 2) If the State Board determines that the nonpublic facility has corrected the instances of noncompliance within the time allotted, the program's "Approved" status shall be restored.
 - 3) If the State Board determines that the nonpublic facility has failed to correct the instances of noncompliance within the time allotted, the facility shall not accept any new students from public school districts into the affected program(s), nor shall it be approved for any programs for the next school year unless the noncompliance has been resolved.
- b) A status of "Pending Further Review" shall be assigned whenever a program is determined to be in noncompliance with one or more requirements of this Part which may substantially affect the safety of or provision of appropriate education to students but which does not constitute imminent danger, or exhibits recurrent instances of minor noncompliance. The facility shall have 30 calendar days to remedy the noncompliance.

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- 1) No more than seven calendar days after receipt of notification from the State Board of Education that program approval status is pending further review, an affected facility shall submit a written report to the State Board of Education describing its plans for correcting the noncompliance identified and the actions taken to correct it.
- 2) If the facility demonstrates that it has corrected the instances of noncompliance within the time allotted, its "Approved" status shall be restored.
- 3) If the facility fails to demonstrate that it has corrected the instances of noncompliance within the time allotted, its status shall be changed to "Nonapproved."
- 4) A nonpublic facility shall not accept any new students from public school districts into any program whose status is "pending Further Review" and public school districts shall not make new placements into such programs. Upon notification of the designation of "Pending Further Review" status, a public school district shall identify alternative arrangements for its students in the program, for implementation in the event that the State Board of Education notifies the district that the violations are not remedied. Notification of "Pending Further Review" status shall not be used as a basis for removing students from the program by the public school district.
- c) A status of "Nonapproved" shall be assigned to a program or programs previously assigned a status of "Approved with Administrative Review" or "Pending Further View" when the nonpublic facility exhibits substantial and/or recurrent instances of noncompliance, showing that the facility is consistently unable to meet the approval requirements of this Part. A program may be determined "Nonapproved" without previously having been assigned a status of "Approved with Administrative Review" or "Pending Further Review," if any instances of noncompliance which present imminent danger to the students exist or if the State Board verifies that the facility has unilaterally and intentionally ceased providing appropriate education pursuant to a school district's contract(s) and one or more students' IEP's.
 - 1) A status of "Nonapproved" voids the facility's eligibility to contract with Illinois public school districts to serve students and receive funds under Section 14-7.02 of the School Code in the nonapproved program(s) for the remainder of that school year.
 - 2) Facilities shall be given ten business days' notice by the State Board before nonapproval becomes effective, unless imminent danger to students precludes such notice. The State Board shall also give ten business days' notice to affected school districts to enable them to implement other arrangements prior to the effective date of nonapproval, as required.
 - 3) Any previously approved program placed on nonapproved status shall be afforded an opportunity for a hearing pursuant to the Illinois Administrative Procedure Act and the State Board's rules

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- d) Any facility whose license or approval to operate a residential program is revoked shall immediately have its residential program(s) nonapproved and will be ineligible to provide residential services to students under Section 14-7.02 of the School Code.
- e) Any out-of-state facility whose license or approval to operate a program is revoked by the responsible authority in the state where it is located shall immediately have its affected program(s) nonapproved and will be ineligible to contract with Illinois public school districts to serve students under Section 14-7.02 of the School Code.
- f) Nonapproval of a program during a school year shall be cause for termination of all the facility's contracts with Illinois school districts for that program, and the facility shall be ineligible to contract with Illinois public school districts for the nonapproved program for the remainder of the school year in question.

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.110 Use by School Districts

Each school district shall be responsible for monitoring the performance of each nonpublic facility where its students are placed, to ensure that the implementation of each student's Individualized Education Program (IEP) conforms to the applicable requirements of 23 Ill. Adm. Code 226 (Special Education). In addition, no school district shall place any student in a nonpublic special education program, nor shall any such program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met.

- a) The program has been approved by the State Board of Education for the school year for which placement is sought.
- b) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code.
- c) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education required pursuant to Section 14-7.02 of the School Code and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code 105 ILCS 5/14-4.01.
- d) The program has been approved by the State Board of Education for all of the categories of impairment applicable to the student and requiring services as identified in the IEP.
- e) The program has been approved by the State Board of Education for the age range that includes the age of the student.
- f) The district has determined that all educational programming and related services specified on the student's IEP will be provided to

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the student by the facility. The use of a nonpublic facility does not relieve the district of the responsibility for providing all programming and related services required by the IEP.

- g) The district and the facility have entered into the contractual agreement called for in 23 Ill. Adm. Code 226.440.

Section 401.120 Placement Procedures

Placement of students shall conform to the applicable requirements of 23 Ill. Adm. Code 226, Subparts H (State Operated or Private Programs) and I (Identification, Evaluation and Placement of Exceptional Children).

Section 401.130 Operating Schedule

Each nonpublic facility's operating schedule shall ensure that 176 school days and, if a summer program is operated, 120 hours of instruction, are provided for each program.

Section 401.140 Provision of Instructional Program

Each instructional program shall be conducted in accordance with the requirements of 23 Ill. Adm. Code 226, Subpart D (Special Education Instructional Programs and Resource Programs). Deviations from the age range and class size requirements of Sections 226.220 and 226.225 may be requested in writing. A rationale for the request and plan for evaluation of the deviations shall be submitted with the request. Initial denial of a request for deviation may be appealed to the State Superintendent of Education.

Section 401.150 Classroom Records

In addition to records meeting the requirements of 23 Ill. Adm. Code 226.135, there shall be an educational file for each student, maintained by the classroom teacher on a daily basis and updated as circumstances may require. This file shall contain at least the following:

- a) The student's IEP, including a copy of any behavior management plan;
- b) Documentation of ongoing evaluation procedures, indicating the student's progress toward fulfillment of the objectives set forth in the IEP according to the criteria specified therein;
- c) A schedule that accurately reflects the type and frequency of all related services received;
- d) Medically related information necessary to ensure the student's health and safety.

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.210 General Requirements

- a) Every facility subject to this Part shall maintain the written program

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descriptions and the educational administration and organization plans described in Section 401.10 of this Part and shall make these available to the public schools, parents and guardians of students, and other interested individuals and organizations upon request.

- b) Every facility subject to this Part shall maintain copies of this Part and the State Board's rules for Special Education (23 Ill. Adm. Code 226) and make these available to staff and parents or guardians of students enrolled, so that these parties may be aware of rules that pertain to the education of students with disabilities served in nonpublic facilities under Section 14-7.02 of the School Code.
- c) Every facility subject to this Part shall maintain a separate and current roster of students served there pursuant to Section 14-7.02 of the School Code.
- d) Every facility subject to this Part shall maintain records of and report changes in its administration, staff, instructional programs, and physical facilities, as required pursuant to Section 401.20 of this Part.
- e) All facilities, programs, and records required, established, or maintained pursuant to this Part shall be made available by the nonpublic facility at any time, with or without prior notification, for inspection and evaluation by official representatives of the State Board of Education.

Section 401.220 Health and Safety Requirements

- a) Every Illinois facility subject to this Part shall maintain and make available for review a copy of the most recent inspection report issued by the State Fire Marshal. To the extent that evidence of compliance is routinely issued by state or local fire, building, or health authorities, Illinois and out-of-state facilities shall maintain and make available such evidence of compliance with applicable codes. Any such documentation shall clearly identify the issuing authority.
- b) Every facility subject to this Part shall develop a written policy and procedures for safeguarding students' privacy and dignity during toileting, diapering, and other activities of personal care, as appropriate for the student population served. Facility staff shall adhere to such policy and procedures at all times and shall make copies available upon request.
- c) Every facility subject to this Part shall develop a written policy addressing the administration of medication to students who may require it. Facility staff shall adhere to this policy at all times and shall make copies available upon request.
- d) Every facility subject to this Part and all materials used by students shall be maintained in a clean, sanitary, and safe condition.
- e) Smoking and the use of tobacco products by students shall not be permitted on the campus of any facility subject to this Part.
- f) Every facility subject to this Part shall allow visitation at any

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time, with or without prior notice, by personnel from the State Board of Education or the school district of residence of any enrolled student.

Section 401.230 Student Progress Reports and Reviews

- a) Each facility shall maintain attendance records for each student served pursuant to Section 14-7.02 of the School Code.
 - 1) Each student's attendance shall be reported in writing to the public school district of residence by the 15th of each month for the preceding month.
 - 2) A student's public school district of residence shall be notified immediately in writing after five consecutive days of unexcused absence, unless the district requires a more frequent reporting schedule.
 - 3) Attendance records shall be retained as long as the student is placed at the facility.
- b) Each student's progress shall be reviewed with his or her parent or guardian and school district of residence in accordance with 23 Ill. Adm. Code 226, Subparts H (State Operated or Private Programs) and I (Identification, Evaluation and Placement of Exceptional Children).

Section 401.240 Staffing Requirements

- a) The composition and qualifications of each nonpublic facility's professional staff shall be in accordance with the needs and requirements of the categories of students with disabilities placed under Section 14-7.02 of the School Code. Each facility subject to this Part shall employ sufficient professional staff, including staff having professional expertise and training in the disability-related educational needs of the students served, to meet the requirements of 23 Ill. Adm. Code 226.225.
- b) For applications for approval for the 1995-96 school year submitted after July 1, 1995, at least 67 percent of the professional staff members who are teachers providing direct instruction shall be qualified in accordance with applicable State Board certification requirements. All professional staff who are administrators, supervisors, or providers of related services who either provide or direct the provision of related services specified in the IEPs of students served, or who evaluate student progress or evaluate the provision of such instruction or related services, but who do not provide direct instruction, shall either be qualified in accordance with State Board certification requirements or have credentials or licensure appropriate to their duties. Until April 15, 1999, "qualified in accordance with applicable State Board certification requirements" shall include persons who have experience in providing instruction to students with disabilities appropriate to the students being served and who hold an Early Childhood Education (Type 02 or

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- c) Beginning with the 1996-97 school year, 100% of the professional staff members who are teachers providing direct instruction shall be qualified in accordance with requirements of subsection (b) of this Section.
- d) Substitute teachers holding valid special certificates, special education approvals, or substitute certificates shall be employed to replace absent teachers. Substitute teachers may not be used to meet the staffing requirements set forth in this Section for purposes of approval of a facility's application for eligibility.
- e) Nonpublic facilities located outside Illinois shall employ personnel who possess the specific qualifications comparable to those issued in Illinois in connection with the positions in question.
- f) If the State Board determines that a program has operated for more than 60 consecutive calendar days in noncompliance with the requirements of this Section, the State Board shall change the approval status of the facility accordingly, pursuant to the provisions of Section 401.30 of this Part.

Section 401.250 Staff Training

Each nonpublic facility subject to this Part shall develop and implement ongoing inservice training programs related to the duties of all staff.

- a) Training sessions shall be planned and designed to assist staff members in improving their ability to fulfill their duties as defined in their job descriptions, as necessary to educate the student population served.
- b) As appropriate to the student population served, each facility shall provide specific training to all personnel, including but not limited to:
 - 1) the facility's policy and procedures regarding the maintenance of student privacy and dignity;
 - 2) disposal of hazardous waste materials;
 - 3) procedures for preventing the transmission of blood-borne pathogens;
 - 4) the use of physical restraint;
 - 5) behavior management procedures; and
 - 6) the administration of medication.
- c) Each facility shall provide training to all assistants and aides before they assume their duties.
- d) Each facility shall maintain accurate, written and dated records of all training provided, as described in Section 401.260 of this Part.

Section 401.260 Staff Records

- a) Facilities subject to this Part shall maintain a separate, current record for each staff member employed either full-time or part-time

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who provides direct services or who is directly involved in the development and implementation of instructional and related services for students enrolled under Section 14-7.02 of the School Code. All staff files shall be available on site for inspection by representatives of the State Board of Education and placing public school districts and shall include the following:

- 1) Individual job descriptions which reflect the duties to be performed and the qualifications required and which are updated as this information changes;
 - 2) Reports of initial physical examinations, records indicating freedom from tuberculosis, and reports of such subsequent medical examinations as may be required by the facility;
 - 3) Copies of high school, college, or university transcripts indicating graduation, degrees, or special training or education completed, and/or copies of state certificates, approvals, licenses, or registrations, as applicable to the individual staff member and position;
 - 4) Copies of the criminal background investigation reports completed for all personnel pursuant to Section 10-21.9 of the School Code 105 ILCS 5/10-21.9;
 - 5) Records of the transmission of all criminal background investigation reports to each public school district currently contracting with the nonpublic facility.
- b) Each facility shall maintain a separate file containing a record of all inservice training. This file shall be available for inspection and shall include at least the following:
- 1) Records of initial orientation and training for new staff members, showing that each received training appropriate to the position held at the site;
 - 2) The agenda of each formal staff training session conducted at the facility, showing the date(s) and amount of time used;
 - 3) Records of seminars, conferences, lectures, and other training events attended by staff members off the facility's premises;
 - 4) Records of ongoing training offered as a part of the assignment of professional support personnel; and
 - 5) The signatures of the staff members who attended each session or event referred to in subsections (b)(1) through (4) of this Section.
- c) The training file referred to in subsection (b) of this Section may also contain such similar records as may be required by other state or federal agencies.

Section 401.2/0 Student Records

- a) Each facility subject to this Part shall maintain a separate student record file for each student served under Section 14-7.02 of the School Code. Such files shall be maintained in a central location on the premises of the facility. Each student's file shall contain the

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information listed below, or the information shall be made readily accessible for inspection.

- 1) Documentation of the date of the student's most recent enrollment in the program in question under Section 14-7.02 of the School Code.
 - 2) Copies of all reports used by the public school district of residence as part of the student's most recent case study evaluation, including a copy of the case study evaluation report.
 - 3) Evidence of compliance with 23 Ill. Adm. Code 226.440.
 - 4) The student's current IEP developed for the nonpublic placement in accordance with 23 Ill. Adm. Code 226.560.
 - 5) Accurate, current attendance records, and evidence that the student's attendance has been reported to the public school district of residence as required by Section 401.230 of this Part.
 - 6) Reports of review procedures conducted with respect to the student's progress as specified in Section 401.230 of this Part.
 - 7) Copies of all progress reports to the public school district of residence.
 - 8) Copies of all progress reports to parents.
 - 9) Termination records, when applicable.
- b) All material in the student record file shall be signed as required, dated, and placed in chronological order for the purpose of inspection and evaluation by representatives of the State Board of Education and the public school district of the student's residence.
- c) The record of a student enrolled in a facility subject to this Part pursuant to Section 14-7.02 of the School Code shall be the property of the student's public school district of residence and shall be subject to the policies and procedures established by that school district to govern school student records and to the provisions of the Illinois School Student Records Act 105 ILCS 10 regarding confidentiality of such records.
- d) When a student is no longer served in a nonpublic facility for any reason, and regardless of any monetary amount due to the nonpublic facility from the public school district that placed the student, all the student's records shall be returned or provided to the district within 30 calendar days, and the facility shall maintain a record of having returned them. The records to be returned include, but are not limited to:
- 1) The temporary public school records that were provided by the district at the time of the student's placement.
 - 2) Other records of an academic or instructional nature that have accumulated during the student's enrollment at the nonpublic facility, including:
 - A) Records of behavior management plans; and
 - B) Records of all psychological and social work and any therapeutic tests related to goals and objectives included in the student's IEP.

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- 3) A transcript of any academic credits earned while the student was served at the nonpublic facility.
- 4) Records of the student's attendance while served at the nonpublic facility.

Section 401.280 Fiscal Provisions

- a) Tuition charged a public school district by a nonpublic facility for the term specified in an individual student's placement agreement shall not exceed the allowable costs approved pursuant to Section 14-7.02 of the School Code.
- b) A status of "Nonapproved" shall be assigned to any program which has not accepted the allowable costs approved pursuant to Section 14-7.02 of the School Code within 60 days after their approval or within 60 days after approval of the facility's application for eligibility by the State Board of Education, whichever occurs later.
- c) The tuition charge for all students with disabilities who, pursuant to the IEP, are served in a facility less than full-time shall be prorated according to the percentage of the time the students are actually served in the program.
- d) Nonpublic facilities shall not charge parents for special education, related services, or room and board provided to students placed by Illinois public school districts.
- e) Nothing in this Part shall be construed as prohibiting a facility from contracting with any local school district for individual student services, transportation, diagnosis and evaluation, or other services which are not included in the determination of allowable costs.
 - 1) Contracts for any such services must be separate from individual placement agreements.
 - 2) All costs and revenues resulting from such contracts shall be included in the facility's rate calculations under Section 14-7.02 of the School Code.

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: Adopted Action:
226.430 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6 and 14-1.01 et seq.
- 5) Effective Date of Rules: May 10, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: April 20, 1995
- 9) Notice of Proposal Published in Illinois Register:
July 1, 1994 18 Ill. Reg. 9810
- 10) Has JCAR issued a Statement of Objection to these proposed rule(s)? No.
- 11) Difference(s) between proposal and final version:
The authority note has been corrected.
Section 226.430(b)(2) has been changed to state: "The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code."
A statutory citation has been inserted at the end of Section 226.430(b)(3).
Section 226.430(b)(4) has been changed to state: "The program has been approved by the State Board of Education for all of the categories of impairment applicable to the student and requiring services as identified in the IEP."
Section 226.430(b)(6) has been changed to state: "The district has determined that all educational programming and related services specified on the student's IEP will be provided to the student by the facility. The use of a nonpublic facility does not relieve the district of the responsibility for providing all programming and related services required by the IEP."

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12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes.

13) Will this amendment replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: This Part is being amended concurrently with the adoption of new rules for Nonpublic Special Education Facilities (23 Ill. Adm. Code 401). The present amendment is being undertaken so that both Parts will be consistent in describing the circumstances under which students may be placed in nonpublic facilities.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Vaughn Morrison
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-6601

The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

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Terms Defined

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SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

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SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

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226.410 Referral to State or Private Facilities
226.415 Availability of Community Resources
226.420 Residential Placement
226.425 District's Responsibility to Locate Alternate Programs
226.430 Local District Responsible for Payment When Private Facility is Utilized
226.435 Annual Approval of Private Placements
226.440 Agreement Between Local School District and Private Facility
226.442 Supportive Data to be Maintained
226.445 Transportation and Other Services
226.450 Monitoring of Student Progress by School District
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226.510 Child Find Activities
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226.610 Information to Parents Concerning Right to Hearing
226.612 Request for Hearing To Be Made to Superintendent (Repealed)
226.615 Request for Hearing
226.620 Denial of Hearing Request (Repealed)
226.622 Qualifications of Level I Hearing Officers
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226.630 Purpose of Hearing (Repealed)
226.631 Removal of Registered Hearing Officers (Repealed)
226.632 Scheduling the Hearing
226.635 Hearings Open to Public and to Child Who is Subject (Repealed)

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226.636 Rights of the Parties Prior to the Hearing
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 226.655 Local School District's Responsibility (Repealed)
 226.660 Cross-Examination (Repealed)
 226.665 Rules of Evidence Not Applicable (Repealed)
 226.670 Record of Proceedings
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 226.682 Filing of Administrative Record
 226.684 Placement of the Child Pending Completion of a Level II Review
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 226.688 Oral Arguments and Extensions of Time
 226.690 Timeliness and Finality of Reviewing Officer's Decision
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 Reporting of Decisions
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 226.1115 Exclusions When Implementing Section 14-7.03
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 226.1150 Criteria for Eligibility of Children
 226.1155 Resident Children Eligible for All Privileges
 226.1160 Local District Policies Applicable
 226.1170 Communications Regarding Child's Special Education
 226.1175 Reimbursement
 226.1180 Possible Waiver of Sections 226.1120 and 226.1150
 226.1185 Computation of District's Reimbursement
 226.1190 Preapproval Application
 226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code 105 ILCS 5/Art. 14 and 2-3.6.

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of

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150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. **2207**, effective **MAY 10 1995**.

SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

Section 226.430 Local District Responsible for Payment When Private Facility is Utilized

a) When a private facility is utilized, the local district shall be responsible for payment of tuition and provision of transportation as provided by the Section 14-7.02 of the School Code 105 ILCS 5/14-7.02. "If a child has been placed in an approved individual program and the tuition costs including room and board costs have been approved by the Review Board, then such room and board costs shall be paid by the appropriate State agency subject to the provisions of Section 14-8.01 of this Act. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education on a current basis. In no event, however, shall the State's liability for funding of these tuition costs begin until after the legal obligations of third party payors have been subtracted from such costs. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved. Each district shall submit estimated claims to the regional superintendent of schools for transmittal to the State Superintendent of Education. Upon approval of such claims, the State Superintendent of Education shall direct the State Comptroller to draw his warrants for payment on a monthly basis. Such payments shall be transmitted to the regional superintendent for the region in which each such district is located and the appropriate school treasurer. The frequency for submitting estimated claims and the method of determining payment shall be

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prescribed in the rules and regulations adopted by the State Board of Education." (Ill. Rev. Stat. 1987, ch. 122, par. 14-7.02, as amended by P.A. 81-1479, Section 1.)

b) Each school district shall be responsible for monitoring the performance of each nonpublic facility where its students are placed, to ensure that the implementation of each student's Individualized Educational Program (IEP) conforms to the applicable requirements of this Part. In addition, no school district shall place any student in a nonpublic special education program, nor shall any such program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met.

1) All such private placements shall be approved by the State Board of Education.

2) Approval of the recommended placement shall be contingent upon the following criteria:

A) The child is enrolled in the public school;

B) The local district special education program is in compliance with Article 14 of the School Code;

C) The facility's program is appropriate in relation to the needs of the individual child;

B) The facility is licensed by the State of Illinois or appropriate agency of the state in which the facility is located;

B) The facility is registered with the State Board of Education and meets the standards established by that officer;

F) The facility is within the United States;

G) The facility provides an educational program for at least 176 days per year;

H) The facility has costs established by the Governor's Purchased Care Review Board for special education related services; and, in residential placement, room and board;

I) The facility does not charge parents any fee for special education related services or room and board for any placement made under this Subpart;

3) A school district which has been denied approval for the placement of a child in a private facility cannot independently place the child and provide the tuition.

1) The program has been approved by the State Board of Education for the school year for which placement is sought.

2) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code.

3) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education required pursuant to Section 14-7.02 of the School Code and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code 105 ILCS 5/14-4.01.

4) The program has been approved by the State Board of Education for the student's primary and secondary disabilities.

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- 5) The program has been approved by the State Board of Education for the age range that includes the age of the student.
- 6) The district has determined that all educational programming and related services specified on the student's IEP will be provided to the student by the facility. The use of a nonpublic facility does not relieve the district of the responsibility for providing all programming and related services required by the IEP.
- 7) The district and the facility have entered into the contractual agreement called for in Section 226.440 of this Part.

(Source: Amended 19 Ill. Reg. 7207, effective
MAY 10 1995)

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- 1) Heading of the Part:
Drinking Water Systems Code
- 2) Code Citation:
77 Ill. Adm. Code 900
- 3) Section Numbers:
- | | |
|-------------|-----------|
| 900.10 | Amendment |
| 900.15 | Amendment |
| 900.20 | Amendment |
| 900.30 | Amendment |
| 900.40 | Amendment |
| 900.50 | Repealed |
| 900.60 | Repealed |
| 900.65 | Repealed |
| 900.70 | Repealed |
| 900.80 | Repealed |
| 900.90 | Repealed |
| 900.100 | Repealed |
| 900.Table D | Repealed |
| 900.Table E | Repealed |
| 900.Table F | Repealed |
| 900.Table G | Repealed |
| 900.Table H | Repealed |
| 900.Table I | Repealed |
| Exhibit A | Repealed |
| Exhibit B | Repealed |
| Exhibit C | Repealed |
| Exhibit D | Repealed |
- Adopted Action:

4) Statutory Authority:

Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act 415 ILCS 55/9.

5) Effective Date of Amendments:

May 31, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes

8) Date Filed in Agency's Principal Office:

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May 31, 1995

9) Date Notice of Proposed Amendments was Published in the Illinois Register:

July 8, 1994; 18 Ill. Reg. 10640

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to these Rules? No

11) Differences Between Proposal and Final Version:

Various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments:

In this rulemaking the Department is adopting the Pollution Control Board's rules regarding public water supplies at 35 Ill. Adm. Code 605, 607, and 611. Where the Department's rules duplicate those rules, this rulemaking deletes the duplication.

Section 900.10. This amendment deletes definitions that are adopted in PCB rules.

Section 900.15. This amendment adopts PCB rules for public water supplies, which include the non-community supplies regulated by the Department, and deletes incorporated materials that are duplicative of the PCB rules.

Section 900.20. This amendment clarifies that the Illinois Environmental Protection Agency is responsible for certification of laboratories performing chemical analyses.

Section 900.30. This amendment deletes unnecessary references to the Federal Register.

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Section 900.40. This amendment deletes rules that are identical to the PCB rules adopted in this rulemaking.

Section 900.80, 900.90, 900.100, and 900-Table D through Table I. These Sections have been repealed because they are identical to the PCB rules adopted in this rulemaking.

16) Information and Questions Regarding these Adopted Amendments Shall be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
(217) 782-6187

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: WATER AND SEWAGE

PART 900
DRINKING WATER SYSTEMS CODE

Section	
900.10	Definitions
900.15	Incorporated and Referenced Materials
900.20	General Requirements
900.30	Special Requirements
900.40	Water System Design
900.50	Inorganic Chemicals (Repealed)
900.60	Turbidity (Repealed)
900.65	Organic Chemicals (Repealed)
900.70	Microbiological (Repealed)
900.80	Public Notification (Repealed)
900.90	Record Maintenance and Reporting (Repealed)
900.100	Variances and Exemptions (Repealed)
TABLE A	Sources of Pollution in Location to Wells and/or Finished Water Storage Facilities
TABLE B	Design Capacity for a Non/Community Public Water System
TABLE C	Pressure Factors
TABLE D	Coliform Sampling Frequency According to Population Served (Repealed)
TABLE E	Lead and Copper Sampling Frequency-Requirements for First Year of Sampling (Repealed)
TABLE F	Lead and Copper Sampling Frequency-Requirements After First Year of Sampling (Repealed)
TABLE G	Water Quality Sampling Requirements (Repealed)
TABLE H	Water Quality Sampling Requirements-Reduced Sampling (Repealed)
TABLE I	Table of Factors to be Used in Saturation Index Calculations (Repealed)

EXHIBIT A	Values of A Based Upon Total Solids (Repealed)
EXHIBIT B	Values of B Based Upon Water Temperature (Repealed)
EXHIBIT C	Values of C Based Upon Calcium Hardness Expressed as CaCO3 (Repealed)
EXHIBIT D	Values of D Based Upon Alkalinity Expressed as CaCO3 (Repealed)

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act (Ill. Rev. Stat., ch. 111 1/2, par. 7549) 415 ILCS 55/9 .

SOURCE: Adopted at 6 Ill. Reg. 2215, effective February 3, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 3301, effective March 2, 1984; amended at 9 Ill. Reg. 9139, effective June 3, 1985; amended at 13 Ill. Reg. 12578, effective August 1, 1989; amended at 14 Ill. Reg. 14844,

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effective September 1, 1990; amended at 17 Ill. Reg. 4388, effective March 23, 1993; amended at 19 Ill. Reg. 7217, effective MAY 31 1995

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 900.10 Definitions

- "Applicant" means any person making application for a permit to construct or alter a public water system.
- "Cistern" means a source of water supply developed by intercepting rainfall with roof surfaces.
- "~~Effluent--Growth--means--a continuous-bacterial-growth-covering-the entire-filtration-area-of-a-membrane-filter-or-a-portion-thereof--in which-bacterial-colonies-are-not-discrete.~~
- "Contaminant" means any physical, chemical, biological or radiological substance or matter in water.
- "CT" means the product of the chlorine residual and chlorine contact time at the point of treatment required for 99.9 percent or 3-log inactivation of *Giardia lamblia* cysts.
- "Department" means the Illinois Department of Public Health.
- "Filtration" means a process for removing particulate matter from water by passing through porous media.
- ~~"First-Draw-Sample" means a one-liter-sample-of-tap-water-that-has been-standing-in-plumbing-pipes-at-least-6-hours-and-is-collected without-flushing-the-tap.~~
- "Groundwater Under the Influence" means surface water or water obtained from a well or a collector which is not in compliance with the Illinois Water Well Construction Code.
- "Maximum Contaminant Level" means the maximum permissible level of contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user are excluded from this definition.
- "Non-Transient Non-Community System" means a non-community water system which regularly serves the same 25 or more persons at least 6

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months a year.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois or any political subdivision or department thereof, or any other entity.

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action which:

is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

(Section 3.59 of the Environmental Protection Act7 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.59) 415 ILCS 5/3.59.)

"Potential Route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel. (Section 3.58 of the Environmental Protection Act7 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.58) 415 ILCS 5/3.58.)

"Potential Secondary Source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

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stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic wastewater other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act" (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 116.301) 225 ILCS 225.

(Section 3.60 of the Environmental Protection Act7 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.60) 415 ILCS 5/3.60.)

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Community Water System means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

Non-Community Water System means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year and shall include vending machines.

"Sanitary Survey" means an on-site inspection of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating their adequacy for producing and distributing safe drinking water.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Slow Sand Filtration" means a process involving passage of raw water

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through a bed of sand at low velocity resulting in substantial particulate removal by physical and biological mechanisms.

"State" means the State of Illinois, Illinois Department of Public Health or the Illinois Environmental Protection Agency, as appropriate.

"Supplier-of-Water" means any person who owns or operates a public water system.

"Surface Water" means all water which is open to the atmosphere and subject to surface runoff.

"Too-Numerous-to-Count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter filter used for coliform detection.

"Transient, Non-Community-System" means a non-community public water system which does not regularly serve the same 25 people.

"Vending Machine" means a device which provides treatment and/or dispenses a specific amount of water after money has been inserted into the device or after the water has been purchased.

"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a non-community public water system.

(Source: Amended 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.15 Incorporated and Referenced Materials

a) The following federal and state regulations, standards, and statutes are incorporated or referenced in various sections of this Part:

- 1) Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 183.105) Illinois Department of Public Health.
- 2) Federal National Primary Drinking Water Regulations (40 CFR 141 and 142) (1988) 52 Fed. Reg. 24498 through 24777 July 17, 1987 and 53 Fed. Reg. 26108 through 26117 July 17, 1988.
- 2) 3) Illinois Water Well Construction Code (77 Ill. Adm. Code 920) Illinois Department of Public Health.
- 3) 4) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925) Illinois Department of Public Health.
- 4) 5) Surface Source Water Treatment Code (77 Ill. Adm. Code 940) Illinois Department of Public Health.
- 6) Recommended Standards for Water Works Great Lakes Upper

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Mississippi River Board of State-Sanitary-Engineers--Ten States Standards--(1988 Edition)--and published by:

Health-Education-Service

P.O. Box 7283

Albany, New York 12224

5) 7) Illinois Plumbing Code (77 Ill. Adm. Code 890) Illinois Department of Public Health.

6) 8) Public Water-Supplies--(1955-111--Adm--Code-607-104) Illinois Pollution Control Board Rules.

35 Ill. Adm. Code 605

35 Ill. Adm. Code 611

35 Ill. Adm. Code 607.104

For purposes of compliance with this Part, all references to the "Agency" and "Board" shall be replaced by the "Illinois Department of Public Health" (Department) for regulation of non-community water supplies (NCWS).

9) Standard-Methods-for-the-Examination-of-Water-and-Wastewater (1985 Edition)--and published by:

American Public Health Association

1615-18th Street, N.W.

Washington, D.C. 20036

b) The following standards are incorporated in this Part:

"Recommended Standards for Water Works" - Great Lakes Upper Mississippi River Board of State Sanitary Engineers - Ten States' Standards - (1982 Edition), and published by:

Health Education Service

P.O. Box 7283

Albany, New York 12224

c) b) All incorporations by reference of federal regulations and standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

d) e) All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 525 West Jefferson - Third Floor, Springfield, Illinois 62761.

(Source: Amended 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.20 General Requirements

a) Coverage. This Part shall apply to all non-community public water systems.

b) Exception. This Part shall not apply to a public water system which meets all of the following conditions:

- 1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities).

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- 2) Obtains all of its water from, but is not owned or operated by a public water system to which such regulations apply.
- 3) Does not sell water to any person.
- 4) Is not a carrier which conveys passengers in interstate commerce.
- c) Consecutive Systems. When a public water system supplies water to one or more other public water systems, the Department shall modify the monitoring requirements if one sampling point can be shown to be representative of the water supply and the supply can be shown to have a contamination free sampling history to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modification in monitoring shall be approved in writing by the Department.
- d) Permit to Construct. A permit to construct a non-community public water system must be obtained from the Department prior to construction. Where a water well is to be constructed, altered or extended, a permit fee, which is established in Section 920.130 of the Illinois Water Well Construction Code, shall be required for the water well.
- e) Permit to Alter or Extend. A permit for any major alteration of, or extension to, a non-community public water system must be obtained from the Department prior to construction.
- f) Plans. All applications for a permit to construct, alter or extend a non-community public water system must be accompanied by plans and specifications. The plans and specifications must indicate all sources of contamination, the layout and design of the system and all associated equipment which will indicate compliance with this Part as stated in Section 900.40.
- g) Major Alterations or Extensions. Major alterations or extensions shall include, but not be limited to, the following:
- 1) Change in source of water supply.
 - 2) Construction of additional sources of water supply.
 - 3) Provision of any new treatment to the system.
 - 4) Changes in system capacity.
 - 5) Increase in the water well depth.
- h) Notification of Completion. Upon completion of any construction for which a permit has been issued, the owner shall notify the Department.
- i) System Disinfection. All components of new non-community public water system construction, alteration, or expansion shall be disinfected with a strong chlorine solution; and satisfactory bacteriological sample results, in compliance with Section 900.70(a), shall be obtained prior to placing the components into service.
- j) Certified Laboratory. All samples requiring laboratory analysis shall be analyzed only by a laboratory which has been certified for the analysis in question, except that turbidity analyses may be conducted by anyone approved by the Department. The certification shall be made by the Department or the Illinois Environmental Protection Agency in accordance with Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 183.105). The results from any

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analysis not conducted in accordance with the above shall not be considered valid for purposes of this Part.

(Source: Amended 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.30 Special Requirements

- a) More Stringent Conditions. "The Department will require more stringent conditions be placed on the non-community public water system if a potential health problem is detected on the basis of a sanitary survey, laboratory analyses, location of known sources of pollution, condition of the water supply, type of construction or information from previous owners which might indicate the water would be too hazardous to drink. Such conditions include, but are not limited to, sampling for additional contaminants; ~~more frequent sampling for contaminants; or imposing of maximum contaminant levels specified in this Part; or Federal National Interim Primary Drinking Water Regulations (40 CFR 141.147-148) or the National Primary Drinking Water Regulations (40 CFR 141.141 and 142.52) Fed. Reg. 25690 through 25717 July 8, 1987 and 53 Fed. Reg. 25688 through 25717 July 17, 1988.~~ The Department shall also require treatment or the discontinuance of the use of the non-community public water system, if the system is found to jeopardize public health or if the system is found to contain hazardous substances or disease causing organisms.
- b) Use of Chemical Additives. Chemicals approved for the treatment of water shall include, but are not limited to, chlorine and chemicals used for water softening, flocculation and coagulation. Such chemicals shall be approved if the method of feed and the concentration of these chemicals does not jeopardize the health of the user as determined by the Department pursuant to the level of toxicity of the chemical.
- c) The Department shall be notified of the occurrence of any waterborne disease outbreak by the water system operator as soon as the operator has information that such an outbreak has occurred.

(Source: Amended 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.40 Water System Design

- a) Siting Requirements. Construction, alteration or expansion of a public water system shall be accomplished so as to:
- 1) Avoid locating any or all of the facility at a site which is subject to undue risk from earthquakes, floods, or other disasters.
 - 2) Except for the intake structures, avoid locating any or all of the facility within the floodplain of a 100-year flood.

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3) Sources of pollution shall be located no closer to wells and finished water storage facilities than indicated in TABLE A. Beginning January 1, 1988, no new non-community water system well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless specifically allowed in TABLE A. Where the owner of a potable well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department may allow a variance to the minimum separation distances required in this Part provided the owner complies with the variance provisions of Section 920.30(c) of the Illinois Water Well Construction Code.

b) Existing Water System. The sanitary quality of an existing water system shall be determined by a survey of facilities and laboratory analyses of water samples. Defects in facilities or contamination shown present by laboratory analyses, shall be considered sufficient grounds for requiring repairs, chlorination or other treatment, or termination of the use of the system. All repairs, modifications, and alterations to existing wells and pump equipment shall be in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920), the Illinois Plumbing Code (77 Ill. Adm. Code 890), and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925). Treatment will not be considered as a substitute for location and construction in accordance with the Illinois Water Well Construction Code. Wells terminating in pits shall not be allowed. Existing pits shall be eliminated and the floor or one wall of the pit shall be broken or removed, the pit shall be filled with compacted earth, and the casing shall be extended to terminate 8 inches above grade.

c) New Well Construction. All new wells shall be constructed in accordance with the Illinois Water Well Construction Code.

d) New Pumping Equipment. All new well pumps shall be installed in conformance with the Illinois Water Well Pump Installation Code.

e) Surface Water. Gravity filtration and disinfection shall be provided as the minimum treatment facilities for all supplies obtained from ponds, lakes, streams, rivers, groundwater under the influence of surface water, and other surface collectors of water. Surface water supply treatment facilities shall be designed, constructed, operated, and maintained as described in the Surface Source Water Treatment Code (77 Ill. Adm. Code 930) or in accordance with "Recommended Standards for Water Works - Great Lakes Upper Mississippi River Board of State Sanitary Engineers" ("Ten States' Standards"). Where average turbidity, based upon 30 daily samples, of the source exceeds 50 nephelometric turbidity units, complete treatment must be provided in accordance with "Ten States' Standards." All systems which use surface water, in whole or in part shall be operated by personnel which have taken a water treatment course approved by the Department, and have received a certificate or other evidence that the course has been completed satisfactorily, (such as a letter from the school) or

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shall be operated by personnel which have received certification by the Illinois Environmental Protection Agency as a Class A or Class B public water supply operator. The Department will approve such course provided the course is given by an accredited college or university, the course is at least equivalent to .7 continuing education units, and the course addresses water filtration, disinfection, water supply and the measurement of disinfectant residual and turbidity. The Department shall make available a list of such approved courses upon request.

f) Springs. Spring water supplies shall not be allowed except where it is impossible to develop a well which meets the water quality and capacity standards of this Part. Where springs are used for potable water, they shall be protected from entry of surface water, shall be housed in a permanent structure, and shall be chlorinated in accordance with Section 900.40 (n). Spring water supplies located in an area with sink-holes or outcropping rock, with a history of periodic discolored discharge, or subject to fecal contamination, as demonstrated by laboratory analysis, shall not be approved unless provided with treatment consistent with that required for surface water.

g) Cisterns. Cisterns shall not be used for public water supply except where groundwater resources will not produce the quantity of water needed for the population to be served. Cistern water shall receive treatment consistent with that required for surface water (See Section 900.40(e)).

h) Design Capacity. The design capacity for a non-community public water system shall be determined based on the estimated peak demand or the average daily consumption rate obtained from TABLE B.

i) Hydropneumatic Storage. The minimum requirements for designing a hydropneumatic storage system are as follows:

1) Well and Pump Sizing. The capacity of the well(s) and pump(s) in a hydropneumatic system shall be at least eight times the average daily consumption rate or shall be sufficient to meet the estimated peak demand, whichever is greater. (Calculate the average daily consumption rate from TABLE B). If it can be shown that a specified amount of water is more appropriate or if the Department can be shown that the storage requirements are excessive, the Department will permit other sizing alternatives dependent upon such things as, but not limited to, water demand at the facility in question or water usage reports from a similar facility.

2) Pressure Tank Sizing. The minimum capacity of the pressure storage tank shall be calculated by the following formula:

$$Q = Q_m(3)/P_i$$

where Q_m = Pump capacity (g.p.m.)

P_i = Pressure in the tank and from TABLE B.

3) Precharged Pressure Tanks. The capacity of a precharge pressure

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storage tank shall be calculated by the following formula:

$$Qp = 1.50m/Pt$$

Where Qp = Precharged pressure tank volume, gal.

- 4) Existing Hydronic Storage. An existing undersized pressure storage system may be allowed provided a history of adequate water supply exists. Major alterations shall comply with all requirements of Section 900.40(1).

- j) Storage Reservoir. All nonpressure underground reservoirs shall be constructed of permanently watertight material and shall be provided with a watertight insect proof cover. Examples of permanently watertight materials are steel, plastic, concrete or fiberglass. On new water system installations, all nonpressure storage reservoirs in or on the ground shall be located in such a manner that surface water will flow away from the structure. When the bottom of any such reservoir is located below the ground surface, the reservoir shall be located with respect to sources of pollution as outlined in TABLE A. Where manholes are necessary, they shall have a raised curb and be provided with a cover of the overhanging type. Vents and openings shall be insect-proof and shall be installed so there is no hazard to the sanitary quality of the water supply. Piping shall enter the reservoir through the top of underground tanks or through the exposed vertical extension of the manhole opening. Points of entry must be sealed in a watertight manner. No suction lines may enter the reservoir underground unless protected by an external pipe enclosure maintained at system pressure.

- k) Water Distribution Lines. The system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times. Water pipe shall conform to applicable specifications and standards of the Illinois Plumbing Code (77 Ill. Adm. Code 890) for the type of pipe to be used. The following shall govern the separation of water lines from possible sources of pollution:

- 1) Whenever possible, a water line shall be laid at least 10 feet horizontally from any existing or proposed sewer line.
- 2) Whenever water lines must cross sewers, the water line shall be laid at such an elevation that the bottom of the water line is 18 inches above the top of the sewer. This vertical separation shall be maintained for that portion of the water line located within 10 feet horizontally of any sewer or drain it crosses, said 10 feet to be measured as the normal distance from the water line to the drain or sewer. The sewer shall be constructed of cast iron pipe, type K copper, or Drain, Waste and Vent (DWV) plastic pipe (Schedule 40) with water-tight joints for a distance of 10 feet from each side of the water line. All crossings shall be made at right angles.
- 3) Where conditions prevent the minimum horizontal and/or vertical separation specified above, special consultation shall be obtained from the Department to determine other routes of water

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piping.

- 4) No water line shall pass through, or come into contact with, any part of a sewer manhole.

- 5) There shall be no physical connection between a community water system and a non-community or private water system, unless the non-community or private water system conforms to community water system requirements, as specified by the Illinois Pollution Control Board's Public Water Supplies (35 Ill. Adm. Code 607.104).

- 6) Lines for potable water shall be laid at least 25 feet horizontally from any underground sewage seepage field.

- l) Plumbing Fixture Backflow Protection. The water supply lines shall have no physical connection with nonpotable water supplies. All plumbing shall be in accord with the Illinois Plumbing Code available from this Department. All plumbing fixtures and other equipment connected to the water system shall be so constructed and installed so as to safeguard the water system from the possibility of contamination through cross-connections or backsiphonage. Laundry units and equipment shall be so constructed and installed so as to prevent the contamination of the contents by the backflow of sewage. When required by the Illinois Plumbing Code (77 Ill. Adm. Code 890), the fixture or appliance shall be connected indirectly with the drainage system by means of an open, funnel-type fitting with a suitable air gap.

- m) Drinking Fountains. All outlets established for the provision of drinking water shall consist of drinking fountains in accordance with requirements contained in the Illinois Plumbing Code, or a supply of single service drinking cups shall be provided. Common drinking cups are prohibited.

- n) Disinfection. Disinfection may be accomplished with calcium or sodium hypochlorites or gas chlorine. Other disinfecting agents will be considered, providing reliable application equipment is available, and testing procedures for residual are recognized in "Standard Methods for the Examination of Water and Wastewater". Proposals for use of disinfecting agents must be approved by the Department prior to preparation of final plans and specifications. Approval will be given only when the information shows that the chemical to be used as a disinfecting agent will not jeopardize the health of the user and that the chemical will eliminate bacteria from the water supply. Disinfection is required at all surface, spring, and cistern water supplies; and at any groundwater supplies which are of questionable sanitary quality or where any treatment which exposes the water to the atmosphere is provided. Disinfection shall not be a substitute for proper well location and construction.

- 1) Chlorination Equipment. The chlorinator shall be designed to provide a free chlorine residual of at least two milligrams per liter in the water after contact time of at least 30 minutes at maximum flow rates. The equipment shall be of such design that

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it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.

- 2) Contact Time and Point of Application. Chlorine shall be applied at a point which will provide the maximum contact time. At facilities treating surface water, chlorine shall be applied to the water after filtration. At facilities chlorinating groundwater, provisions should be made for applying chlorine to the detention basin inlet. Where chlorination is required, minimum free chlorine residual at distant points in a water distribution system shall be at least 0.1 milligram per liter except that systems utilizing surface water as a source, shall have a minimum free chlorine residual of 0.2 mg/l maintained at all distant points in the distribution system and a minimum free chlorine residual of 0.4 mg/l shall be maintained in the water storage tank. ~~the pipe carrying water from the filter shall terminate at the water surface of the storage tank. Water shall be withdrawn from a solid pipe at a point not more than 3 inches above the bottom of the water storage tank.~~ Those systems utilizing surface water as a source and groundwater under the influence of surface water shall be designed in accordance with the Surface Water Treatment Code (77 Ill. Adm. Code 930), and shall meet disinfection requirements and CT values of 40 CFR 141 and 142 (1990).

- 3) Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residual shall be provided and should be capable of measuring residuals to the nearest 0.1 mg/l in the range below 0.5 mg/l, to the nearest 0.3 mg./l. between 0.5 and 1.0 mg/l, and to the nearest 0.5 mg/l between 1.0 mg/l and 2.0 mg/l. Systems utilizing surface water as a source shall test the chlorine residual in the distribution system daily and keep a record of the results. Whenever the chlorine residual falls below the values specified in subsection (b)(2) above, the supplier of water shall notify the Department as soon as possible but no later than the end of the next business day.

- 4) Hypochlorinator. Positive displacement pumps shall be provided to inject hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The hypochlorinator shall be interlocked with the pump so that both will start and stop together.

- 5) Gas Chlorinators.

- A) The chlorine supply and gas feeding equipment shall be in a separate, air-tight room. The room shall be provided with

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an exhaust system which takes its suction not more than 8 inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure

shall be provided through appropriate openings, such as filters, grill openings, etc., at a high point opposite the exhaust fan intake. The room shall have a window at least 18 inches square and artificial illumination so that the chlorinator equipment is visible from the operating area outside the room. Electrical switches for lighting and ventilation shall be outside the room and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided and should have the platform at floor level.

- B) All chlorine cylinders, both full and empty, shall be anchored to prevent their falling over.
- C) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. Chlorinator vent lines shall terminate out-of-doors.

- D) The gas feed equipment shall be solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

- E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment. The release of chlorine shall be automatically terminated when the pump is shut off. The water supply line to the chlorine injector shall be equipped with an automatic shut-off valve interlocked with the pump and shall be equipped with a suitable backflow preventer.

- F) Gas chlorinators shall be repaired and operated only in accordance with the manufacturer's directions. The owner/operator shall determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency and have the telephone number of emergency personnel and equipment posted within view of associated personnel.

- 6) General. The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply by sources of questionable water which may be contaminated. Housing must be provided for the chlorination equipment and for storing chlorine.

- g) Hauled water. When it is necessary to be hauled water as a source of public supply, the water shall be obtained only from a regulated public water system.

- 1) Transport Equipment. Equipment used for hauling water, including

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tank trucks or trailers, hoses, etc., shall be used only for handling potable water. In an emergency, equipment used for handling other potable materials, such as milk, syrup, etc., may be used after cleaning and disinfection with not less than 100 ppm of free chlorine.

2) Storage Facilities. Equipment used for the storage of hauled water shall be used only for that purpose and shall be constructed in accordance with Section 900.40(j).

p) Vending Machines. Vending machines which serve water to the public shall meet the following conditions:

1) The source of water to a vending machine shall be obtained from a community water system or a supply which meets the construction and location requirements of this Part.

2) A dual check backflow device approved in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall be installed in the water supply pipe between the vending machine and the source of water.

3) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to 4 times the diameter of the water dispensing supply pipe.

4) The machine shall be kept in an area which is free of dirt and debris and the area shall be maintained to prevent insect and rodent harborage.

5) Any overflow or discharge of water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Illinois Plumbing Code.

q) Sample Siting Plan. All non-community supplies shall designate sampling points from which to collect all required samples. If a kitchen tap is available, one sample shall be taken from this location.

(Source: Amended at 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.50 Inorganic Chemicals (Repealed)

a) Maximum Contaminant Levels:

1) Nitrate---the maximum contaminant levels for nitrate in a non-community public water system shall not exceed 10 mg/l as nitrogen (N). Nitrate levels not to exceed 20 mg/l as N may be allowed in a non-community water system if the supplier of water demonstrates that:

A) Such water will not be available to children under 6 months of age.

B) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l as N and the potential health effects of exposure.

2) Nitrite---the maximum contaminant level for nitrite in a

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3) non-community public water supply shall not exceed 1 mg/l as N. The maximum contaminant levels for the following inorganic chemicals shall not be exceeded in a non-transient, non-community public water system:

Chemical	Maximum Contaminant Level
A) Asbestos	7 million fibers/liter
B) Barium	2 mg/l
C) Cadmium	0.05 mg/l
D) Chromium	0.1 mg/l
E) Mercury	0.02 mg/l
F) Selenium	0.05 mg/l
G) Fluoride	4 mg/l
H) Lead	0.05 mg/l
I) Copper	1.3 mg/l

4) Lead and Copper Action Levels:

A) Lead---the lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (b)(4) below is greater than 0.05 mg/l. For systems collecting fewer than 10 samples, the lead action level is exceeded if the average of the two highest samples exceeds 0.05 mg/l.

B) Copper---the copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (b)(4) below is greater than 1.3 mg/l. For systems collecting fewer than 10 samples, the copper action level is exceeded if the average of the two highest samples exceeds 1.3 mg/l.

b) Monitoring:

1) Nitrate and Nitrite

A) Transient, non-community systems---Analysis for nitrate shall be conducted annually and one sample for nitrite shall be collected initially on all non-community public water systems. Analysis for nitrite shall be conducted within 12 months whenever any sample for nitrate exceeds the maximum contaminant level. In addition, analysis shall be conducted within 12 months whenever any nitrite analysis is found to exceed the maximum contaminant level. The Department shall send sample bottles to all water suppliers and require that the suppliers collect the sample and return it to the designated Department laboratory.

B) Non-transient, non-community and surface water systems---Analysis for nitrate shall be conducted annually and one sample for nitrite shall be conducted initially on all

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surface--water--and--non--transient--non--community--public--water systems--sampling--for--both--chemicals--must--be--conducted quarterly--when--the--concentration--of--either--chemical--is--equal to--or--greater--than--50--percent--of--the--maximum--contaminant level--in--such--cases--the--sampling--frequency--must--remain quarterly--until--four--consecutive--quarterly--samples--are--less than--50--percent--of--the--maximum--contaminant--level--for--either chemical.

- 2) Inorganic--chemicals:--Non--transient--non--community--public--water systems--shall--monitor--for--barium--cadmium--chromium--fluoride mercury--and--selenium--once--every--three--years--where--the--system--uses groundwater--as--a--source--and--annually--where--the--system--uses surface--water--in--whole--or--in--part--as--a--source--Whenever--the maximum--contaminant--level--for--any--chemical--is--exceeded--in--a system--using--groundwater--as--a--source--sampling--for--that--chemical shall--be--conducted--quarterly--until--two--consecutive--samples--are less--than--the--maximum--contaminant--level--for--that--chemical--Whenever--the--maximum--contaminant--level--for--any--chemical--is exceeded--in--a--system--using--surface--water--as--a--source--sampling for--that--chemical--shall--be--conducted--quarterly--until--four consecutive--samples--are--less--than--the--maximum--level--for--that chemical--the--sampling--requirements--for--a--system--using groundwater--or--surface--water--as--a--source--shall--be--reduced--to--once every--nine--years--provided:

- A) Systems--using--surface--water--have--been--sampled--annually--for at--least--three--years--and--systems--using--groundwater--as--a source--have--conducted--sampling--once--every--three--years--for nine--years--and
- B) All--results--are--less--than--the--maximum--contaminant--levels--for these--inorganic--chemicals:

- 4) Asbestos
- A) Non--transient--non--community--public--water--systems--are--not required--to--sample--for--asbestos--unless--the--Department determines--the--system--is--vulnerable--to--asbestos contamination--in--its--source--water--or--due--to--corrosion--of asbestos--pipes--or--both--the--Department--shall--consider--the system--vulnerable--to--asbestos--contamination--where--a--source of--asbestos--material--exists--in--the--water--source--or--asbestos pipe--is--used--in--the--water--distribution--system.

- B) Vulnerable--Systems:
- If--the--system--is--determined--by--the--Department--to--be vulnerable--to--asbestos--contamination--the--system--shall monitor--for--asbestos--if--the--initial--or--any--sample--result is--greater--than--the--maximum--contaminant--level--for--asbestos in--a--system--using--groundwater--as--a--source--the--system--must sample--quarterly--until--two--consecutive--samples--are--less--than the--maximum--contaminant--level--if--the--initial--or--any--sample result--is--greater--than--the--maximum--contaminant--level--in--a

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system--using--surface--water--as--a--source--the--system--must sample--quarterly--until--four--consecutive--samples--are--less than--the--maximum--contaminant--level--thereafter--systems--are required--to--resample--every--three--years--if--the--initial sample--for--asbestos--is--equal--to--or--less--than--the--maximum contaminant--level--the--system--shall--resample--every--3--years--head--and--copper--All--non--transient--non--community--public--water systems--shall--sample--for--lead--and--copper--in--accordance--with--WABCB B--if--they--serve--a--daily--population--of--greater--than--37,300--All non--transient--non--community--public--water--systems--shall--begin sampling--for--lead--and--copper--in--accordance--with--WABCB--B--by--July 1--1993--if--they--serve--a--daily--population--of--less--than--or--equal to--37,300--All--systems--shall--collect--samples--for--lead--and--copper initially--in--accordance--with--the--sample--frequency--in--WABCB--B every--6--months--A--system--which--does--not--exceed--the--action--levels for--lead--or--copper--in--any--sample--during--each--of--two--consecutive--12 month--periods--may--reduce--the--sampling--frequency--to--annually--in accordance--with--WABCB--B--A--system--which--does--not--exceed--the action--levels--for--lead--and--copper--for--three--consecutive--years--of monitoring--shall--collect--a--sample--for--lead--and--copper--from--the number--of--sampling--sites--in--accordance--with--WABCB--B--once--every three--years--All--tap--samples--for--lead--and--copper--shall--be--first draw--samples--and--shall--be--collected--at--a--cold--water--interior--tap from--which--water--is--typically--used--for--consumption--Each--sample shall--be--one--liter--in--volume--and--have--stood--motionless--in--the plumbing--piping--for--at--least--6--hours--Sample--shall--be--taken from--copper--pipes--with--lead--solder--installed--January--1--1991--or later--or--which--contain--lead--piping--if--there--are--no--insufficient number--of--sampling--sites--meeting--this--condition--the--system--shall use--sampling--sites--that--contain--copper--pipes--with--lead--solder installed--before--January--1--1991--A--system--which--exceeds--the action--levels--for--lead--or--copper--shall--perform--the--following:

- A) Sample--collection--the--system--shall--sample--for--lead--and copper--in--accordance--with--WABCB--B--every--6--months.
- B) Collect--Water--Quality--Parameters--the--system--may--water shall--collect--two--tap--samples--for--each--water--quality parameter--from--the--number--of--sampling--sites--specified--in accordance--with--WABCB--B--every--6--months--and--submit--all results--to--the--Department--within--10--days--of--analysis--A system--which--maintains--water--quality--parameters--reflecting corrosion--control--for--3--consecutive--12--month--periods--may reduce--the--number--of--tap--samples--collected--and--may--collect each--water--quality--parameter--from--the--number--of--sampling sites--specified--in--accordance--with--WABCB--B--every--6--months--A system--which--maintains--water--quality--parameters--reflecting corrosion--control--for--1--consecutive--years--of--sampling--may reduce--the--frequency--with--which--water--quality--parameters--are collected--to--annually--in--accordance--with--WABCB--B--head

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quality parameters shall include the following:

- i) pH;
- ii) alkalinity;
- iii) calcium;
- iv) conductivity;
- v) water temperature;
- vi) orthophosphate (only required when an inhibitor with a phosphate compound is used); and
- vii) silice (only required when an inhibitor with a silicate compound is used).

e) Corrosion Control Program. The supplier of water shall initiate an effective corrosion control program. Systems which serve more than 3,300 people daily shall begin the corrosion control program within 18 months, and systems which serve 3,300 people or less daily shall begin the corrosion control program within 24 months. The supplier shall report to the Department in writing explaining how the corrosion treatment has been installed and how it will be maintained and operated, and any chemicals used and their dosages which will be applied. Such a corrosion control program shall be approved by the Department. Approval of the program shall be based upon the ability of the program to provide water treatment which will result in a less corrosive water. Such a program may include adding chemicals to control pH or alkalinity as a minimum.

f) Ineffective Program. Where the corrosion control program does not reduce the levels of lead and copper below maximum levels, the systems shall remove sources of lead from the plumbing system.

ii) Retentive Program. The corrosion control program shall be considered effective where the Saturation Index which indicates water corrosivity has a value of greater than zero. The Saturation Index shall be calculated as follows: $\text{SI} = \text{pH} - (\text{A} + \text{B}) - (\text{C} + \text{D})$ where the values of A, B, C and D are obtained from TABLE I, Exhibit A-1, B-1, C-1 and D-1 respectively.

B) Provide Public Education. A public education program is required within 60 days of when the action level for lead has been exceeded. The supplier of water shall undertake a public education program to inform consumers that levels of lead have exceeded the action level and of ways they can reduce their exposure to potentially high levels of lead in drinking water. This can be accomplished by posters at the tap or other information such as pamphlets which are distributed to users of the water. In addition, the supplier shall make available and distribute information provided by the Department. Such information shall be placed

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in a common area in each building served by the system. This program shall be repeated at least once during each calendar year in which the system exceeds the lead action level. By December 31 of each year, any system required to perform a lead public information program shall submit a letter to the Department demonstrating that the system has delivered the public education and information materials as described in this Section.

B) Reporting Information. Non-transient, non-community systems shall report the following information to the Department for all tap samples within the first 10 days following the end of each required sampling period required in subsection (b)(4) above:

i) the results of all lead and copper tap samples including the location of each site and the criteria under which they were selected in compliance with subsection (b)(4)(B)(i) and (ii) above;

ii) a certification which may be in the form of a letter that each first draw sample collected is one liter in volume and to the best of their knowledge, stood motionless in the plumbing system or lead service pipe for at least 6 hours; and

iii) the results of all water quality tap samples required in subsection (b)(4)(A) above.

P) Source Water Monitoring. The supplier of water shall collect a sample for lead and copper to determine their concentrations in the source water and to determine if treatment to remove these metals from the source water is needed where lead has been found previously in the source supply or where a lead contamination source exists.

c) Maximum Contaminant Level Exceeded.

i) Nitrate and Nitrite. If the result of an analysis for nitrate and nitrite in a non-community public water system exceeds the maximum contaminant level, the taking of a second sample shall be initiated within 24 hours and the average of the two analyses determined.

2) Maximum Contaminant Level Violations. If the averaged results for nitrate and nitrite in a non-community public water system exceed the maximum contaminant level, the supplier of water shall give notice to the public in accordance with Section 900.80 of this Part, and begin monitoring the contaminant in question at a frequency established by the Department and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action becomes effective. If the system is a non-transient, non-community system, the system shall sample in accordance with subsection (b)(4)(B) above. Any frequency established by the Department will depend

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upon the season; location in relation to agricultural areas; and previous fluctuations in nitrate and nitrite concentrations;

d) When any of the contaminant levels in this Section are exceeded, the supplier of water shall notify this Department as soon as possible. However, such notification shall be made not later than the end of the next day.

(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.60 Turbidity (Repealed)

- a) Maximum Contaminant Levels:--the maximum contaminant levels for turbidity in non-community water systems which use surface water in whole or in part; measured at a representative entry point to the distribution system; shall not exceed one turbidity unit (TU) in any sample except that turbidity values greater than one and equal to or less than 5 TU may be allowed in 95 percent of the samples taken during a month if the supplier of water can demonstrate to the Department that the higher turbidity does not do any of the following:
- 1) Interfere with disinfection;
 - 2) Prevent maintenance of an effective disinfectant residual throughout the distribution system;
 - 3) Interfere with microbiological determinations;
- b) Monitoring:--Samples shall be taken by the supplier of water of non-community water systems at a representative entry point(s) to the water distribution system at least once every four hours. Sampling frequency for turbidity may be reduced in a non-community public water system to once per day if the following conditions are met:
- 1) The supply has a filtration system designed, constructed, operated and maintained as described in the Surface Source Water Treatment Guide (77 Ill. Adm. Code 904);
 - 2) Minimum free chlorine residual at distant points in the distribution system is at least 0.2 milligram per liter;
 - 3) Written approval from the Department has been issued. Approval will be based upon compliance with the above items.
- c) Maximum Contaminant Level Exceeded:--if the results of a turbidity analysis indicate that the maximum allowable limit has been exceeded, a second sample shall be analyzed as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum contaminant level has been exceeded, the supplier of the water shall report to the Department as soon as possible but not later than the end of the next business day. The repeat sample shall be used to calculate the monthly average. If the monthly average exceeds the maximum contaminant level or if the average of two samples taken on consecutive days exceeds 5 turbidity unit (TU), the supplier of water shall report to the State and notify the public as directed in Section 904.04.

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(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.65 Organic Chemicals (Repealed)

- a) The maximum contaminant levels for the following organic chemicals shall not be exceeded in a non-transient non-community water system:

1) Chemical (Volatile Organic) Maximum Contaminant Level

A) Benzene	0.005 mg/l
B) Carbon tetrachloride	0.005 mg/l
C) 1,2-Dichloroethane	0.005 mg/l
D) Trichloroethylene	0.005 mg/l
E) Para-dichlorobenzene	0.005 mg/l
F) 1,1-Dichloroethylene	0.005 mg/l
G) 1,1,1-Trichloroethane	0.005 mg/l
H) Vinyl chloride	0.005 mg/l
I) Ethylbenzene	0.005 mg/l
J) 1,2-Dichloropropane	0.005 mg/l
K) Ethylbenzene	0.005 mg/l
L) Monochlorobenzene	0.005 mg/l
M) o-Dichlorobenzene	0.005 mg/l
N) Styrene	0.005 mg/l
O) 1,2-Dichloroethylene	0.005 mg/l
P) Xylene	0.005 mg/l
Q) trans-1,2-Dichloroethylene	0.005 mg/l
R) Xylene	0.005 mg/l

2) Chemical (Pesticides, Herbicides) and Polychlorophenols (PCPPs) Maximum Contaminant Level

A) Atrazine	0.005 mg/l
B) Aldicarb	0.005 mg/l
C) Aldicarb sulfate	0.005 mg/l
D) Aldicarb sulfonate	0.005 mg/l
E) Atrazine	0.005 mg/l
F) Carbendazim	0.005 mg/l
G) Chlorpyrifos	0.005 mg/l
H) 1,2-Dibromo-3-chloropropane (DBCP)	0.005 mg/l
I) Dieldrin	0.005 mg/l
J) Ethylene dibromide	0.005 mg/l
K) Heptachlor	0.005 mg/l
L) Heptachlor epoxide	0.005 mg/l

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M) -- Lindane

0.0002-mg/l

N) -- Methoxychlor

0.04-mg/l

O) -- Polychlorinated biphenyls-PCBs

0.0005-mg/l

P) -- Pentachlorophenol

0.001-mg/l

Q) -- Toxaphene

0.003-mg/l

R) -- 2,4,5-TP(Sitvex)

0.05-mg/l

b) Sampling-

i) Volatile Organic Chemicals

A) All non-transient, non-community water systems shall perform initial sampling quarterly for one year for the organic chemicals in subsection (a)(1) above. The four quarterly samples are not required provided sampling was conducted for the chemicals in subsection (a)(1) above prior to January 1, 1997, and provided none of the chemicals were detected. After this initial sampling, the system must resample for these chemicals every 6 years provided none of the chemicals have been detected in any initial quarterly sampling and the Department has determined that the system is not vulnerable to contamination by these chemicals and the Department has granted a written waiver to allow reduced sampling every six years. If any of these chemicals are detected in any of the initial quarterly samples or if the Department has determined that the system is vulnerable to contamination by these chemicals, resampling for the chemicals detected shall be conducted as follows:

i) Groundwater systems: Systems using groundwater as a source shall collect samples for two additional consecutive quarters. If all quarterly samples are less than the maximum contaminant level for these chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.

ii) Surface water systems: Systems using surface water as a source shall collect samples for four additional quarters. If all quarterly samples are less than the maximum contaminant level for these chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.

B) The system shall be considered vulnerable to contamination by any of the chemicals listed in subsection (a)(1) above when any of the following are met:

i) Previous sampling data from the system indicates the

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presence of any of these chemicals:

iii) The system is within 200 feet of a well where these chemicals have been detected:

iii) The aquifer serving the water well indicates by previous sample results the presence of any of these chemicals, and that the chemical contaminant is moving in the direction of the water well and is expected to enter the well;

iv) The water supply is within 200 feet of an area or business where any of these chemicals are stored, distributed or manufactured or is within 200 feet from an area used as a landfill intended to receive waste products;

v) The water well serving the supply is not in compliance with the Illinois Water Well Construction Code;

2) All non-transient, non-community public water systems shall sample for the chemicals listed in accordance with 40 CFR 141 and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987, and submit the results of these analyses to the Department within 30 days of analysis or shall submit a letter to the Department requesting the Department to perform sampling:

Pesticides, Herbicides and PCBs

3) A) Non-transient, non-community public water systems shall perform initial sampling quarterly for one year for the chemicals listed in subsection (a)(2) above unless the Department determines the system is not vulnerable to contamination by a specific chemical in subsection (a)(2) above, and a written waiver is granted by the Department. In such case, the system is required to sample in accordance with subsection (b)(3)(B) below. If the Department does not grant a waiver to sampling for the chemicals in subsection (a)(2) above, the system shall perform the initial quarterly sampling for one year and the system shall continue sampling in accordance with subsection (b)(3)(C) below.

B) The system shall be considered vulnerable to contamination by a specific chemical or chemicals in subsection (a)(2) above when any of the following are met:

ii) Previous sampling data from the system indicates the presence of any of these chemicals:

iii) The water supply is within 200 feet of an area in which any of the chemicals are stored, distributed or manufactured or is within 200 feet from a landfill or area intended to receive waste;

iii) The aquifer serving the water well indicates by previous sample results the presence of any of these chemicals, and that the chemical contaminant is moving in the direction of the water well and is expected to contaminate the well;

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- iv) Nitrate--levels--in--the--water--supply--exceed--10--mg/l--in--two--consecutive--samples;
- v) Equipment--used--in--the--production--storage--or--distribution--of--water--in--the--system--contains--PGBs;
- vi) the--water--supply--uses--surface--water--as--its--source--and--the--surface--water--is--received--from--runoff--from--agricultural--land--where--pesticides--are--used;
- vii) the--water--well--serving--the--supply--is--not--in--compliance--with--the--Illinois--Water--Well--Construction--Code;
- e) Where--the--system--is--determined--to--be--vulnerable--to--contamination--or--any--chemicals--have--been--detected--the--system--shall--continue--to--sample--for--these--chemicals--as--follows:
- i) Systems--using--groundwater--as--a--source--shall--sample--for--2--additional--quarters--if--sample--results--are--less--than--the--maximum--contaminant--levels--for--these--chemicals; repeat--sampling--shall--be--conducted--annually--for--three--years--if--chemicals--have--not--been--detected--during--this--three--year--period--the--system--shall--repeat--sampling--for--all--chemicals--every--three--years;
- ii) Surface--Water--Supplies--Systems--which--use--surface--water--as--a--source--shall--sample--for--4--additional--quarters--if--sample--results--are--less--than--the--maximum--contaminant--levels--for--these--chemicals; repeat--sampling--shall--be--conducted--annually--for--3--years--if--chemicals--have--not--been--detected--during--this--3--year--period--the--system--shall--repeat--sampling--for--all--chemicals--every--3--years;
- B) Where--the--system--is--determined--not--to--be--vulnerable--to--contamination--and--the--Department--has--granted--a--written--waiver--the--system--shall--monitor--for--the--chemicals--in--subsection--(a)(2)--above--as--follows:
- i) Systems--serving--less--than--3,300--persons--daily--shall--repeat--sampling--every--3--years;
- ii) Systems--which--serve--3,300--persons--or--more--daily--shall--sample--for--two--additional--consecutive--quarters--if--no--chemicals--are--detected--in--this--quarterly--sampling--the--system--shall--repeat--sampling--every--3--years;
- c) Maximum--Contaminant--Level--Exceeded--When--any--contaminant--levels--in--subsection--(a)--above--are--exceeded--the--supplier--of--water--shall--notify--the--public--served--as--prescribed--under--Section--900.00; and--the--supplier--of--water--shall--notify--the--Department--as--soon--as--possible--but--not--later--than--the--end--of--the--next--business--day.

(Source: **MAY 31 1995** at 19 Ill. Reg. **7217**, effective)

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- a) Maximum--Contaminant--Level--the--maximum--contaminant--level--for--coliform--bacteria--is--applicable--to--non--community--water--systems;
- i) Membrane--filter--When--utilizing--the--membrane--filter--technique--there--shall--be--no--coliform--per--100--milliliters--in--any--sample;
- 2) Fermentation--tube--When--utilizing--the--fermentation--tube--technique--and--either--10--milliliters--or--100--milliliters--standard--portions--there--shall--be--no--coliform--bacteria--present--in--any--portion--in--any--sample;
- 3) Where--shall--be--no--fecal--coliform--or--E--Coli--present--in--any--routine--check--or--repeat--samples;
- b) Monitoring--Water--samples--shall--be--taken--at--points--which--are--representative--of--the--conditions--within--the--distribution--system;
- i) The--supplier--of--water--for--a--non--community--water--system--utilizing--a--source--other--than--groundwater--shall--take--water--samples--for--coliform--analyses--based--upon--population--served--in--accordance--with--the--sample--frequency--in--9AB5B-B--when--the--system--serves--more--than--1,000--persons--per--day; however--in--all--cases--a--surface--water--supply--system--shall--take--samples--at--regular--time--intervals--at--least--twice--per--month--if--the--Department--on--the--basis--of--the--results--of--a--sanitary--survey--determines--that--some--other--increased--frequency--is--required--to--better--monitor--the--contaminant--level--of--the--water--source--that--shall--be--the--frequency--required--A--more--frequent--sampling--shall--be--required--if--a--potential--source--of--contamination--is--found--to--exist;
- 3) The--supplier--of--water--for--a--non--community--water--system--utilizing--a--groundwater--source--unless--otherwise--regulated--pursuant--to--specific--statutes--shall--take--water--samples--for--coliform--analyses--in--each--calendar--quarter--during--which--the--system--provides--water--to--the--public--However--when--the--system--serves--more--than--1,000--persons--per--day--the--supplier--of--water--shall--take--water--samples--for--coliform--analyses--at--the--frequency--required--in--9AB5B-B--based--upon--population--served--in--addition--to--the--monitoring--requirements--of--this--Section--an--increased--monitoring--frequency--may--be--required--in--accordance--with--the--requirements--of--Section--900.00--the--Department--shall--reduce--this--sampling--frequency--provided--the--system--complies--with--all--the--following:
- A) the--supply--serves--less--than--1,000--persons--per--day;
- B) the--supply--is--served--by--a--groundwater--source;
- C) A--sanitary--survey--has--been--completed--indicating--compliance--with--this--Part;
- D) At--least--four--consecutive--quarterly--negative--coliform--samples--have--been--taken--over--the--past--year;
- E) In--no--case--shall--the--sampling--frequency--be--less--than--annual;
- F) No--other--source--of--potential--contamination--is--found--to--exist;
- e) Maximum--Contaminant--Level--Exceeded
- i) Check--Sample--Repeat--Sample--When--the--coliform--bacteria--in--a--single--sample--from--a--non--community--water--system--exceeds--the

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maximum-contaminant-level--four--additional--check--samples--or repeat-samples--shall-be-collected--At--least--one--check--sample shall--be-taken--from--the--original--sample--location--one--downstream within--5--service-connections--and--one--upstream--within--5--service connections--within--24--hours--from--the--time--the--system--has--been notified--of--the--sample--results--If--the--system--has--only--one service--connection--all--check--and--repeat--samples--shall-be-taken at--the--original--sampling-point--if--the--system--collects--fewer--than five--routine--samples--each--month--it--shall--collect--for--analyses--a set--of--five--additional--samples--the--next--month--the--system--provides water--to--the--public--if--a--subsequent--sample--has--already--been taken--from--the--same--sampling-point--it--shall--be--considered--a check--sample--if--any--routine--or--repeat--sample--is--total coliform-positive--the--supplier--shall--analyze--that--total coliform-positive--culture--medium--to--determine--if--fecal--coliforms are--present--except--that--the--supplier--may--test--for--B-Got--in lieu--of--fecal--coliforms--if--fecal--coliforms--or--B-Got--are present--the--supplier--shall--notify--the--Department--by--the--end--of the--day--when--the--supplier--is--notified--of--the--result--unless--the supplier--is--notified--of--the--result--after--the--Department--office--is closed--in--which--case--the--supplier--shall--notify--the--Department before--the--end--of--the--next--business--day--the--supplier--need--not notify--the--Department--if--the--original--sample--was--analyzed--in--a Department--laboratory.

Maximum-Gonimant--level--Violations--When--the--presence--of coliform-bacteria--in--water--taken--from--a--particular--sampling-point has--been--confirmed--by--examination--of--a--check--sample--the--supplier of--water--shall:

A) Initiate--an--investigation--and--collect--additional--samples from--the--same--point--daily--or--at--intervals--established--by the--Department--until--the--results--obtained--from--each--of--four consecutive--check--samples--show--less--than--one--coliform bacterium--per--100--milliliters--or--no--positive--portions-- Sampling--intervals--established--by--the--Department--will depend--upon--the--severity--of--the--contamination--and--any previous--history--of--the--water--supply.

B) Notify--the--public--served--as--prescribed--under--Section 900-007--unless--the--Department--determines--that--no--health hazard--has--actually--existed--based--upon--investigation--or knowledge--of--the--circumstances.

C) Notify--the--Department--immediately--upon--receipt--of--sample analysis:

- 3) Sample-location--The-location-at-which-the-check-samples--were taken--shall--not--be--eliminated--from--future--sampling.
- a) Special-Purpose-or-Check-Samples
 - 1) The--results--from--all--coliform-bacterial-analyses--except--those obtained--from--special-purpose-samples--invalid-samples--or--samples with--unreliable--examination--results--shall--be--used--to--determine

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compliance--with--the--maximum--contaminant--level--for--coliform bacteria:

- 2) Check--samples--shall--not--be--included--in--calculating--the--total number--of--samples--taken--each--month--to--determine--compliance.
- 3) Special-purpose-samples--such--as--those--taken--to--determine--whether disinfection-practices--following--pipe--placement--or--replacement--or repair--have--been--sufficient--shall--not--be--used--to--determine compliance.
- 4) Samples--with--unreliable--examination--results--caused--by--factors beyond--control--of--the--water--supplier--i.e.,--excessive--transit time--between--collection--and--examination--of--the--samples--or--samples being--broken--in--transit--or--interference--in--test--results--by--other contaminants--shall--not--be--used--in--this--case--another--sample collected--immediately--upon--learning--of--these--results--may--be--used to--determine--compliance--except--that--a--single--sample--may--not--be attributed--to--more--than--one--monitoring--period.

Invalid-sample--A-sample--shall--be--considered--invalid--if--a-turbid culture--without--the--production--of--gas--is--found--in--the--Multiple viable--fermentation--or--the--Presence/Absence--test--Samples reported--as--confluent--growth--or--too--numerous--to--count--without coliform--when--using--the--Membrane-Filtration--test--shall--also--be considered--invalid--in--all--cases--of--invalid-samples--a--resample must--be--taken--within--24--hours--This--resample--will--replace--the invalid--result.

(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)

Section 900.80 Public Notification (Repealed)

- a) Non-Community-Water-Systems--if--a--non-community-public-water-system fails--to--comply--with--an--applicable--maximum--contaminant--level--in--this part--or--is--granted--a--variance--or--exemption--from--a--maximum--contaminant level--or--fails--to--comply--with--a--schedule--prescribed--pursuant--to--a variance--or--exemption--the--supplier--of--water--shall--give--notice--by conspicuous--posting--of--such--failure--or--granting--of--such--variance--or exemption--to--the--persons--served--by--the--system--as--long--as--the--failure or--the--variance--or--exemption--continues--the--posting--shall--be--visible to--all--users--of--the--water--the--notification--shall--conform--to--the requirements--of--40-CFR-141-i42--and--143-52-Ped--Reg--4534--through 4550--October-287-1987.
- b) Notice-Form--Notices--shall--be--written--in--a--manner--reasonably--designed to--fully--inform--users--of--the--system--as--follows:
 - 1) the--notice--shall--be--conspicuous;
 - 2) it--shall--not--use--unduly--technical--language;
 - 3) it--shall--not--use--unduly--small--print--or--other--methods--which--would frustrate--the--purpose--of--the--notice;
 - 4) it--shall--disclose--all--material--facts--including--the--nature--of--the

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- problem--and, when appropriate, a clear statement that a drinking water regulation has been violated and any preventive measures that should be taken by the public.
- 5) When required by the Department because of the existence of possible language barriers (e.g., Migrant labor, bilingual notice concentrations of non-English speaking people), bilingual notice shall be given.
- 6) Notices shall include a balanced explanation of the significance or seriousness to the public health.

(Source: Repealed at 19 Ill. Reg. 7217, effective
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Section 900.90 Record Maintenance and Reporting (Repealed)

- a) Records--Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records:
- 1) Records of bacteriological analyses made pursuant to these rules shall be kept for not less than 5 years. Records of chemical analyses made pursuant to these rules shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- A) the date, place and time of sampling, and the name of the person who collected the sample;
- B) identification of the sample (i.e., raw or distribution system, check, special purpose, etc.);
- C) Date of analysis;
- B) Laboratory and person responsible for performing the analysis; and

- B) the results of the analysis;
- 2) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved;

- 3) Copies of any written reports, summaries or communications relating to sanitary survey of the system shall be kept for a period not less than 10 years after completion of the sanitary survey involved;

- 4) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

b) Reporting

- 1) The owner or operator of a public water supply system shall submit to the Department copies of any of the above records (see Section 900.90(a)) when a contamination problem exists.

- 2) Where analyses are run by other than a State or other certified

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laboratory--(such as turbidity analyses--conducted by the operator)--reports of analyses shall be submitted to the Department.

- 3) Within 10 days of completion of each public notification, the supplier of water shall submit to the State a representative copy of each type notice distributed, published, posted or otherwise made available to persons served by the system or to the media, unless the notice has been provided to the supplier by the State.

(Source: Repealed at 19 Ill. Reg. 7217, effective
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Section 900.100 Variances and Exemptions (Repealed)

a) Variances

- 1) One or more variances from an applicable Illinois drinking water regulation respecting a maximum contaminant level, treatment technique or both, shall be granted to a non-community public water system based on one of the following conditions:

- A) The available sources of raw water have characteristics that cannot meet the maximum contaminant level, despite the application of best available technology, taking costs into consideration and that an unreasonable risk to public health will not result;

- B) A public water system demonstrates to the Department's satisfaction that a treatment technique specified by the regulations is not necessary to protect the health of the persons because of the nature of the raw water source of such a system (See 40 CFR 141 and 142.52 Fed. Reg. 24699 through 24717, July 8, 1987, and 53 Fed. Reg. 24188 through 24193, July 17, 1988). The system would be evaluated based upon the information available, the ability of the proposed to provide water which would not cause disease or endanger public health, and the ability of the supply to provide water in compliance with this part.

- 2) Procedure for obtaining a variance--the procedure for obtaining a variance is as follows:

- A) Application for the variance must be made by the non community public water system to the Department. The application shall be in the applicant's own words, containing a narrative with justification as to why the variance is needed.

- B) The Department will propose a schedule for compliance including increments for progress for variances issued with regard to maximum contaminant levels.

- C) The Department will then provide notice and opportunity for public hearing.

- D) The non community public water system must implement any

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control--measures--the--Department--may--require--upon--granting--a
variance:

- B) Variances issued with regard to maximum contaminant levels
will be conditioned on compliance by the non-community
public water system with any prescribed schedule.

b) Exemptions

1) One or more exemptions from an applicable Illinois drinking water
regulation respecting a maximum contaminant level, treatment
technique, or both, may be granted to a non-community public
water system based on all of the following conditions:

A) That compelling factors such as economics prevent a
non-community public water system from meeting either a
maximum contaminant level or a treatment technique
requirement;

B) That the non-community public water system was in operation
on the effective date of such contaminant level or treatment
technique requirement;

C) That the granting of the exemption will not result in an
unreasonable risk to health which would include but would
not be limited to installation of a water supply near a
source of contamination or pollution;

2) procedure for obtaining an exemption is as follows:

A) The non-community public water system must make application
to the Department for an exemption. The application shall
be in the applicant's own words, containing a narrative with
justification as to why the variance is needed;

B) The Department will issue a schedule of compliance including
deadlines for increments of progress of each element in the
regulations which is not met;

C) The Department will then provide notice and opportunity for
public hearing;

D) The non-community public water system must implement any
control measures specified as a condition to an exemption;

E) The non-community public water system will meet the
compliance schedule to lift the exemption as expeditiously
as practicable and absolutely not later than the specified
deadlines;

3) Time limit--The Department will limit duration of exemptions as
necessary to comply with any other State or Federal requirements
and the Federal Safe Drinking Water Act;

(Source: Repealed 19 Ill. Reg. 7217, effective
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Section 900. TABLE D Coliform Sampling Frequency According to Population Served
(Repealed)

Coliform Sampling Requirements According to
Population Served

Population Served	Samples per month
17001 to 27500	2
27501 to 37900	3
37901 to 47100	4
47101 to 47900	5
47901 to 57000	6
57001 to 67000	7
67001 to 77000	8
77001 to 87500	9
87501 to 127900	10
127901 to 177200	15
177201 to 217500	20
217501 to 257000	25

Systems which serve a population of more than 257000 per month shall submit
monthly samples in accordance with 40 CFR 141.142 and 143.54. Fed. Reg. 27454-
June-29, 1989.

(Source: Repealed at 19 Ill. Reg. 7217, effective
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Section 900. TABLE E Lead and Copper Sampling Frequency-Requirements for First Year of Sampling (Repealed)

Daily-Population Served	Sampling-Sites-from-which Copper-Samples-are-Collected Every-Six-Months	
Greater-Than-100,000	100	
10,001-to-100,000	60	
3,301-to-10,000	40	
501-to-3,300	20	
101-to-500	10	
Less-Than-or Equal-to-100	5	
(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)		

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Section 900. TABLE F Lead and Copper Sampling Frequency-Requirements After First Year of Sampling (Repealed)

Daily-Population Served	Sampling-Sites-from-which Lead-and-Copper-Samples-are Collected-Annually	
Greater-Than-100,000	50	
10,001-to-100,000	30	
3,301-to-10,000	20	
501-to-3,300	10	
Less-Than-501	5	
(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)		

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Section 900.TABLe G Water Quality Sampling Requirements (Repealed)

Daily-Population Served	Sampling-Sites-from-which Water-Quality-Parameters-are Collected-Every-6-Months
Greater-Than-100,000	25
107,001-to-100,000	10
37,301-to-107,000	3
501-to-37,300	2
Less-Than-501	1

(Source: Repealed at 19 Ill. Reg. 7217, effective
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Section 900.TABLe H Water Quality Sampling Requirements-Reduced Sampling
(Repealed)

Daily-Population Served	Sampling-Sites-from-which Water-Quality-Parameters-are Collected
Greater-Than-100,000	10
107,001-to-100,000	7
37,301-to-107,000	3
501-to-37,300	2
Less-Than-501	1

(Source: Repealed at 19 Ill. Reg. 7217, effective
MAY 31 1995)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 900.TABLE I Table of Factors To Be Used in Saturation Index Calculations (Repealed)

Section 900.EXHIBIT A Values of A Based Upon Total Solids (Repealed)

A
Total Solids
in ppm

50	.07
75	.08
100	.10
150	.11
200	.13
300	.14
400	.16
500	.18
800	.19
1000	.20

(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 900.EXHIBIT B Values of B Based Upon Water Temperature (Repealed)

B
Temperatures in degrees Fahrenheit

	0	1	2	3	4
30	1.40	0.37	2.84	2.81	2.81
40	2.18	2.15	2.12	2.10	2.07
50	2.34	2.31	2.28	2.25	2.22
60	2.50	2.47	2.44	2.41	2.00
70	2.66	2.64	2.62	2.60	1.97
80	1.95	1.93	1.90	1.88	1.86
90	1.84	1.82	1.80	1.78	1.76
100	1.74	1.72	1.71	1.69	1.67
110	1.64	1.64	1.62	1.60	1.58
120	1.57	1.55	1.53	1.51	1.50
130	1.48	1.46	1.44	1.43	1.41
140	1.40	1.38	1.37	1.35	1.34
150	1.32	1.31	1.30	1.28	1.27
160	1.20	1.21	1.22	1.20	1.21
170	1.10	1.10	1.17	1.16	1.16

(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 900. EXHIBIT C Values of C Based Upon Calcium Hardness Expressed as CaCO₃ (Repealed)

C

Calcium hardness expressed as ppm CaCO₃
(For 2 to 200 ppm CaCO₃, use upper table)
(For 210 to 990 ppm CaCO₃, use lower table)

Table with 10 columns and 10 rows of numerical data.

Table with 10 columns and 10 rows of numerical data.

(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 900. EXHIBIT D Values of D Based Upon Alkalinity Expressed as CaCO₃ (Repealed)

D

Alkalinity expressed as ppm CaCO₃
(For 2 to 200 ppm CaCO₃, use upper table)
(For 210 to 990 ppm CaCO₃, use lower table)

Table with 10 columns and 10 rows of numerical data.

Table with 10 columns and 10 rows of numerical data.

(Source: Repealed at 19 Ill. Reg. 7217, effective MAY 31 1995)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
590.320 Amendment
590.370 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act 20 ILCS 2405/3, and authorized by Section 16 of the Civil Administrative Code of Illinois 20 ILCS 5/16.
- 5) Effective Date of Rulemaking: May 12, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 12, 1995
- 9) Notice of Proposal Published in Illinois Register: November 9, 1994, 18 Ill. Reg. 16275
- 10) Has JCARE issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: All recommendations have been incorporated.
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
590.50	Amendment	18 Ill. Reg. 17170
590.60	Amendment	18 Ill. Reg. 17170
590.70	Amendment	18 Ill. Reg. 17170
590.80	Amendment	18 Ill. Reg. 17170
590.90	Amendment	18 Ill. Reg. 17170
590.100	Amendment	18 Ill. Reg. 17170
590.110	Amendment	18 Ill. Reg. 17170
590.120	Amendment	18 Ill. Reg. 17170
590.130	Amendment	18 Ill. Reg. 17170
590.140	Amendment	18 Ill. Reg. 17170
590.150	Amendment	18 Ill. Reg. 17170

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 590.160 Amendment 18 Ill. Reg. 17170
- 590.170 Amendment 18 Ill. Reg. 17170
- 590.180 Amendment 18 Ill. Reg. 17170
- 590.190 Amendment 18 Ill. Reg. 17170
- 590.250 Amendment 19 Ill. Reg. 28
- 590.400 Amendment 18 Ill. Reg. 14627
- 590.410 Amendment 18 Ill. Reg. 14627
- 15) Summary and Purpose of Rulemaking: The 1992 Amendments to the Rehabilitation Act of 1973 (Act), and the resultant proposed regulations, state that no limits may be put on services which automatically exclude any individual from being able to receive a particular service. The \$7,000 limit in DORS' participation in Business Enterprise Program, as found at 89 Ill. Adm. Code 590.370 violates the provisions of the Act and Regulations.
- However, the Act and Regulations do allow for DORS to put reasonable limits on the provision of such services to ensure consumers are receiving appropriate services and funds are being appropriately expended. Therefore, additional criteria for qualifications for such services have been added at 89 Ill. Adm. Code 590.310. These added provisions are necessary to regulate this particular program of services. Failure to adequately regulate expenditures for BEPs would ultimately put DORS in violation of the Act and Regulations in that DORS would be ignoring its fiduciary responsibilities. Further, failure to add additional criteria for provision of such services could ultimately result in total depletion of DORS' budget for services putting the life, health, and safety of DORS' consumers participating in other programs at risk.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.35 Effect of Comparable Benefits
590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services
590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
590.320 Self-Employment Program
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
590.460 Types of Services
590.470 Services
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services
590.510 Definitions
590.520 Purpose of Equipment Loans
590.530 Criteria for Loan of Equipment/Aids
590.540 Equipment/Aids Loan Request Procedures and Approval Process
590.550 Duration of Loans
590.560 Maintenance and Return of Equipment/Aids
590.570 Assistance in Obtaining Permanent Equipment/Aids
590.580 Limitations on Available Equipment/Aids

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: OTHER SERVICES

Section	Provision of Services
590.590	Transportation and Temporary Lodging
590.600	Other Goods and Services
590.610	Equipment Sets
590.620	

SUBPART I: PLACEMENT

Section	Provision of Placement Services
590.630	Description of Services
590.640	

SUBPART J: MAINTENANCE

Section	Provision of Services
590.650	Definitions
590.660	Determination of the Need for Maintenance
590.670	Determination of Client Financial Participation in Maintenance
590.675	Exceptions to Basic Needs Level
590.680	

SUBPART K: POST-EMPLOYMENT SERVICES

590.700	Provision of Services
590.710	Definitions
590.720	Scope of Services

SUBPART L: TRANSITION

590.730	Provision of Services
590.740	Definitions
590.750	Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act 20 ILCS 2405/3 and authorized by Section 16 of the Civil Administrative Code of Illinois 20 ILCS 5/16

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendments at 18 Ill. Reg. 16458, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective MAY 12 1995.

Section 590.320 Self-Employment Program

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Those tools, equipment, supplies and initial stock necessary to begin a specific business may be provided to a client customer in order for him/her to obtain a successful employment outcome when it has been determined self-employment is a realistic employment goal for the individual. As with any employment goal, an objective of self-employment shall be to enable the individual to engage in gainful employment which will generate income at a level to meet the majority of his/her anticipated living expenses. Further, the vocational goal must be reasonable for the individual based on his/her anticipated potential for success. The determination of potential for success shall be based on the customer's prior successful business operation experience and/or previous formal education and/or training in business and business operation, as indicated by a two or four year degree in business/financial management or a related field, and/or documented evidence that self-employment is a viable employment option for the customer. All tools, equipment, supplies and initial stock purchased for a client customer must be specifically listed in the client's customer's IWRP (89 Ill. Adm. Code 572).
- b) The services described in this Subpart shall not be provided to any client customer when, as a result of the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) (Assessment), there is evidence that an option other than self-employment exists which will provide the client customer with an equal or greater opportunity for a successful employment outcome. Determination of success must be made by the client customer and counselor during the Assessment phase of case development.
- c) Prior to the provision of such services, the client customer must complete a business plan for development of the business. The business plan shall include, but not be limited to:
- 1) a full description of the proposed business or service operation;
 - 2) the client's customer's qualifications for, interest in, and need for self-employment as an employment outcome as evidenced by the client's customer's Assessment;
 - 3) the estimated total capital needs for the establishment of the business and evidence of the availability of such funds (i.e., personal account statements, verification of loan availability, complete listing of all personal liabilities);
 - 4) financial estimates for the first 12 months of operation;
 - 5) plans for business development and marketing;
 - 6) evidence the proposed business has a reasonable chance of success (i.e., provide net income to meet a majority of the client's customer's living expenses) as established by:
 - A) market surveys;
 - B) signed statements from consultants and experts that the business has a reasonable chance of success based on market conditions, demand and competition; and
 - C) commitment for additional financing necessary to make the business operational.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- d) During the first six months of operation, the client customer must provide monthly statements to the counselor detailing the financial activity of the business, including a statement of profit or loss.
- e) At a minimum after the first three months and six months of operation, the client customer must provide the counselor full detailed inventory of all tools, equipment, supplies and stock purchased to establish the business, regardless of the purchaser. Frequency of the inventory shall be determined by the counselor and appropriate BORS DORS' staff.
- f) All tools, equipment, supplies and initial stock shall be maintained by the client customer in good order. The client customer is expected to maintain all tools, equipment, supplies and initial stock in like-new condition. The client customer must ensure all proper up-keep and maintenance is done as specified by the manufacturer. In the event of break-down or defect, the client customer must have the item repaired. As most items carry a manufacturer warranty, all costs should be covered under such provisions.
- g) The client customer is expected to maintain and replenish an adequate supply of all initial stock and supplies.
- h) DORS shall maintain title to all tools, equipment, supplies and initial stock for at least the first six months of operation of the business enterprise. Disposition of the title shall be determined per 89 Ill. Adm. Code 590.350 and 590.360.

(Source: Amended at 19 Ill. Reg. 7260, effective MAY 12 1995)

Section 590.370 Limitation of Financial Participation (Repealed)

~~BORS' financial participation in the establishment of a business for an individual client shall not exceed \$7000.00.~~

(Source: Repealed at 19 Ill. Reg. 7260, effective MAY 12 1995)

STATE BOARD OF EDUCATION

NOTICE OF MODIFICATION TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Nonpublic Special Education Facilities

- 2) Code Citation: 23 Ill. Adm. Code 401

Section Numbers:	Action:
401.5	Modification
401.10	Modification
401.20	Modification
401.30	Modification
401.110	Modification
401.120	Modification
401.130	Modification
401.140	Modification
401.220	Modification
401.230	Modification
401.240	Modification
401.260	Modification
401.270	Modification
401.280	Modification

- 4) Date Notice of Proposed Rules Published in the Register (if applicable):

July 1, 1994 18 Ill. Reg. 9756

- 5) Date JCAR Statement of Objection Published in the Register:

February 24, 1995 19 Ill. Reg. 2316

- 6) Summary of Action Taken by the Agency:

Since the Joint Committee's initial consideration of this rulemaking and its issuance of the filing prohibition, the State Board has engaged in substantive negotiations involving the regulated parties, advocates of the students served in nonpublic special education facilities, the Office for Civil Rights of the U.S. Department of Education, and the staff of the Joint Committee. The State Board believes that the rules as now written reflect the resolution of the issues leading to the original objection.

Specifically, it has been clarified that the authority for these rules is both Section 14-7.02 and Section 14-8.01 of the School Code. Requirements regarding the qualifications of the staff of nonpublic facilities have been modified to allow alternate methods of compliance as a result of the aforementioned negotiations, so that the subject facilities' operational needs are accommodated without decreasing the quality of services students receive. Options allowed in filling vacant staff positions have been clarified to include persons certified as substitute teachers.

STATE BOARD OF EDUCATION

NOTICE OF MODIFICATION TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

The applicability of the Illinois Administrative Procedure Act's requirements for hearings by the State Board has been explicitly stated in the rules.

Finally, numerous changes have been made in order to identify more carefully the information facilities must provide to the State Board, thereby making it less burdensome for them to comply with the requirements contained in these rules.

DEPARTMENT OF CONSERVATION

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) The Notice of Proposed Amendments being corrected appeared at: 19 Ill. Reg. 6381, dated May 12, 1995
- 4) The information being corrected is as follows:

A Complete Description of the Subjects and Issues Involved: This part is being amended to add language indicating no trapping is permitted in subimpoundment or designated waterfowl management units during duck season; persons participating in drawings to trap on State sites must have either a current or previous year's trapping license; and trapping regulations at several State sites are simplified.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as follows. This listing includes only the water quality criteria that have been used during the period February 1, 1995 through April 30, 1995.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of criteria used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 144166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; and 19 Ill. Reg. 3563, March 17, 1995.

Chemical: Acenaphthene
CAS #83-32-9
Acute criterion: 124 ug/l
Chronic criterion: 9.9 ug/l
Date criteria derived: November 14, 1991
Applicable waterbodies:

Not used during this period.

Chemical: Acetone
CAS #67-64-1
Acute criterion: 1,530 mg/l
Chronic criterion: 122 mg/l
Date criteria derived: May 25, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Acetonitrile
CAS #75-05-8
Acute criterion: 375 mg/l
Chronic criterion: 30 mg/l
Date criteria derived: December 7, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Acrylonitrile
CAS #107-13-4
Acute criterion: 910 ug/l
Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l
Date criteria derived: November 13, 1991
Applicable waterbodies:

Not used during this period.

Chemical: Anthracene
CAS #120-12-7
Human health criterion (HNC): 35 mg/l
Date criteria derived: August 18, 1993
Applicable waterbodies:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: Benzene
CAS #71-43-2
Acute criterion: 5,200 ug/l
Chronic criterion: 416 ug/l
Human health criterion (HNC): 21 ug/l
Date criteria derived: August 15, 1990
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)anthracene
CAS #56-55-3
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)pyrene
CAS #50-32-8
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(b)fluoranthene
CAS # 205-99-2
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(k)fluoranthene
CAS #207-08-9
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Carbon tetrachloride
CAS #56-23-5
Acute criterion: 3,500 ug/l
Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l
Date criteria derived: June 18, 1993
Applicable waterbodies:

Not used during this period.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Chlorobenzene
 Acute criterion: 993 ug/l
 Date criteria derived: December 11, 1991
 Applicable waterbodies:
 Not used during this period.

CAS #108-90-7
 Chronic criterion: 79 ug/l

Chemical: Chloroform
 Acute criterion: 1,870 ug/l
 Human health criterion (HNC): 130 ug/l
 Date criteria derived: October 26, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #67-66-3
 Chronic criterion: 150 ug/l

Chemical: Chrysene
 Human health criterion (HNC): 0.01 ug/l
 Date criteria derived: August 10, 1993
 Applicable waterbodies:
 Not used during this period.

CAS #218-01-9

Chemical: 1,2-dichlorobenzene
 Acute criterion: 210 ug/l
 Date criteria derived: December 1, 1993
 Applicable waterbodies:
 Not used during this period.

CAS #95-50-1
 Chronic criterion: 16.8 ug/l

CAS #511-73-1
 Chronic criterion: 196 ug/l

Chemical: 1,3-dichlorobenzene
 Acute criterion: 500 ug/l
 Date criteria derived: July 31, 1991
 Applicable waterbodies:
 Not used during this period.

Chemical: 1,2-dichloroethane
 Acute criterion: 24,960 ug/l
 Human health criterion (HNC): 25 ug/l
 Date criteria derived: March 19, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #107-06-2
 Chronic criterion: 4,540 ug/l

Chemical: 1,1-dichloroethylene
 Acute criterion: 3,600 ug/l

CAS #75-35-4
 Chronic criterion: 212 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Human health criterion (HNC): 0.95 ug/l
 Date criteria derived: March 20, 1992
 Applicable waterbodies:
 Not used during this period.

Chemical: 2,4-dichlorophenol
 Acute criterion: 631 ug/l
 Date criteria derived: November 14, 1991
 Applicable waterbodies:
 Not used during this period.

CAS #120-83-2
 Chronic criterion: 83.1 ug/l

Chemical: 1,2-dichloropropane
 Acute criterion: 4,800 ug/l
 Date criteria derived: December 7, 1993
 Applicable waterbodies:
 Not used during this period.

CAS #78-87-5
 Chronic criterion: 380 ug/l

Chemical: 1,3-dichloropropylene
 Acute criterion: 99 ug/l
 Date criteria derived: November 13, 1991
 Applicable waterbodies:
 Not used during this period.

CAS #542-75-6
 Chronic criterion: 7.9 ug/l

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol
 CAS #534-52-1
 Chronic criterion: 2.3 ug/l

Acute criterion: 28.8 ug/l
 Date criteria derived: November 14, 1991
 Applicable waterbodies:
 Not used during this period.

Chemical: 2,4-dinitrophenol
 Acute criterion: 85.3 ug/l
 Date criteria derived: December 4, 1993
 Applicable waterbodies:
 Not used during this period.

CAS #51-28-5
 Chronic criterion: 4.0 ug/l

Chemical: 2,6-dinitrotoluene
 Acute criterion: 1,910 ug/l
 Date criteria derived: February 14, 1993
 Applicable waterbodies:
 Not used during this period.

CAS #606-20-2
 Chronic criterion: 153 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: Ethylbenzene

Acute criterion: 216 ug/l

Date criteria derived: August 15, 1990, revised May 17, 1991

Applicable waterbodies:

CAS #100-41-4

Chronic criterion: 17.2 ug/l

07120001-008/off Kankakee River

07120004-011/off Higgins Creek

07120006-001/off Fox River

07130007-002/off Sugar Creek

07130011-005/off tributary to Apple Creek

07140202-004/off Crooked Creek

07140202-004/off Town Creek

Chemical: Fluoranthene

Human health criterion (HTC): 120 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

CAS #206-44-0

Not used during this period.

Chemical: Hexachlorobenzene

Human health criterion (HNC): 0.00025 ug/l

Date criteria derived: November 15, 1991

Applicable waterbodies:

CAS #118-74-1

Not used during this period.

Chemical: Hexachlorobutadiene

Acute criterion: 34.5 ug/l

Date criteria derived: March 23, 1992

Applicable waterbodies:

CAS #87-68-3

Chronic criterion: 2.76 ug/l

Not used during this period.

Chemical: Hexachloroethane

Acute criterion: 381 ug/l

Human health criterion (HNC): 2.9 ug/l

Date criteria derived: November 15, 1991

Applicable waterbodies:

CAS #67-72-1

Chronic criterion: 30.5 ug/l

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol

CAS #78-83-1

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 434 mg/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

Not used during this period.

Chronic criterion: 34.8 mg/l

Chemical: Methylene chloride

Acute criterion: 17,200 ug/l

Human health criterion (HNC): 340 ug/l

Date criteria derived: January 21, 1992

Applicable waterbodies:

CAS #75-09-2

Chronic criterion: 1,380 ug/l

Not used during this period.

Chemical: Methyleneketone

Acute criterion: 322,000 ug/l

Date criteria derived: July 1, 1992

Applicable waterbodies:

CAS #78-93-3

Chronic criterion: 26,000 ug/l

Not used during this period.

Chemical: 4-methyl-2-pentanone

Acute criterion: 46 mg/l

Date criteria derived: January 13, 1992

Applicable waterbodies:

CAS #108-10-1

Chronic criterion: 3.68 mg/l

Not used during this period.

Chemical: Naphthalene

Acute criterion: 670 ug/l

Date criteria derived: November 7, 1991

Applicable waterbodies:

CAS #91-20-3

Chronic criterion: 68 ug/l

Not used during this period.

Chemical: Nitrobenzene

Acute criterion: 15.4 mg/l

Human health criterion (HTC): 0.52 mg/l

Date criteria derived: February 14, 1992

Applicable waterbodies:

CAS #98-95-3

Chronic criterion: 4.67 mg/l

Not used during this period.

Chemical: Pentachlorophenol

Acute criterion: 20 ug/l

Date criteria derived: national criterion, September 1986

Chronic criterion: 13 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Phenanthrene

Acute criterion: 46 ug/l

Date criteria derived: October 26, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Pyrene

Human health criterion (HTC): 3,500 ug/l

Date criteria derived: December 22, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Tetrachloroethylene

Acute criterion: 1,220 ug/l

Date criteria derived: March 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Tetrahydrofuran

Acute criterion: 216,000 ug/l

Date criteria derived: March 16, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Toluene

Acute criterion: 8,080 ug/l

Date criteria derived: August 16, 1990, revised May 17, 1991 and

January 26, 1993

Applicable waterbodies:

07120001-008/off Kankakee River

07120004-011/off Higgins Creek

07120006-001/off Fox River

07130007-002/off Sugar Creek

07130011-005/off tributary to Apple Creek

07140202-004/off Crooked Creek

07140202-004/off Town Creek

CAS #85-01-8

Chronic criterion: 3.7 ug/l

CAS #120-00-0

CAS #127-18-4

Chronic criterion: 152 ug/l

CAS #109-99-9

Chronic criterion: 17,300 ug/l

CAS #108-88-3

Chronic criterion: 646 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,2,4-trichlorobenzene

Acute criterion: 353 ug/l

Date criteria derived: December 14, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,1,1-trichloroethane

Acute criterion: 4,910 ug/l

Date criteria derived: October 26, 1992

Applicable waterbodies:

Not used during this period.

Chemical: 1,1,2-trichloroethane

Acute criterion: 19,000 ug/l

Human health criterion (HHC): 12 ug/l

Date criteria derived: December 13, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Trichloroethylene

Acute criterion: 11,700 ug/l

Date criteria derived: October 24, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Xylenes

Acute criterion: 1,500 ug/l

Date criteria derived: August 23, 1990

Applicable waterbodies:

07120001-008/off Kankakee River

07120004-011/off Higgins Creek

07120006-001/off Fox River

07130007-002/off Sugar Creek

07130011-005/off tributary to Apple Creek

07140202-004/off Crooked Creek

07140202-004/off Town Creek

For additional information concerning these criteria or the derivation process used in generating them, please contact:

R. J. Naughton

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 2200 Churchill Road
 Post Office Box 19276
 Springfield, Illinois 62794-9276
 217/782-3362

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 9, 1995 through May 15, 1995, and have been scheduled for review by the Committee at its May 23rd or June 20, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/22/95	Department of Children and Family Services, Discipline and Behavior Management in Child Care Facilities (89 Ill Adm Code 384)	6/10/94 18 Ill Reg 8528	5/23/95
6/24/95	Department of Conservation, Designation of Restricted Waters in the State of Illinois (17 Ill Adm Code 2030)	3/24/95 19 Ill Reg 3745	5/23/95
6/24/95	Secretary of State, Rulemaking (1 Ill Adm Code 100)	12/2/94 18 Ill Reg 17181	5/23/95
6/25/95	Department of Insurance, Summary Document, Disclaimer and Notice (50 Ill Adm Code 3401)	1/27/95 19 Ill Reg 784	6/20/95
6/25/95	Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	7/20/94 18 Ill Reg 11714	6/20/95
6/25/95	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	7/29/94 18 Ill Reg 11771	6/20/95
6/25/95	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	7/29/94 18 Ill Reg 11829	6/20/95
6/25/95	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	7/29/94 18 Ill Reg 11873	6/20/95

PROCLAMATIONS

95-111
NURSING HOME WEEK (Revised)

Whereas, Illinois' long-term care facilities are dedicated to providing the finest quality health care our convalescent, aged, and chronically ill citizens; and

Whereas, the dedication of these providers has been demonstrated through their dedication to our citizens by continually striving to upgrade standards of care and improve service; and

Whereas, member facilities of the Illinois Health Care Association are sponsoring a number of activities in observance of National Nursing Home Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 14-20, 1995 as NURSING HOME WEEK in Illinois to express appreciation for the high standards of care these long-term facilities provide for our citizens.

Issued by the Governor May 9, 1995.

Filed by the Secretary of State May 15, 1995.

95-262

DISASTER AREAS - LOGAN AND SANGAMON COUNTIES

A series of tornadoes and associated were part of a severe storm system that moved across Illinois on May 9, 1995 causing extensive damage to homes, businesses, farms, livestock, and public property. Power outages and extensive damage to power lines and trees also occurred throughout the State.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that Logan and Sangamon counties to be State of Illinois disaster areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of government.

Issued by the Governor May 10, 1995.

Filed by the Secretary of State May 15, 1995.

95-263

ARCHBISHOP FULTON J. SHEEN DAY

Whereas, the Most Reverend Fulton J. Sheen was born in El Paso, Illinois, on May 8, 1895; and

Whereas, he received his elementary and secondary education from St. Mary's Elementary School and Spaulding Academy, both in Peoria, Illinois; and

Whereas, Fulton J. Sheen completed his undergraduate education at St. Viator College in Bourbonnais, Illinois; and

Whereas, he was ordained a priest for the Diocese of Peoria on September 20, 1919; and

Whereas, Archbishop Sheen became an important figure and leader from the State of Illinois who touched the lives of many through living his life; and

Whereas, Archbishop Sheen became a world-renowned clergyman, homilist, educator, author, and the executive director of an important missionary agency of the Roman Catholic Church, as well as an Emmy award-winning television star; and

Whereas, his mission in life was to encourage all who embraced general decency, patriotism, and humanitarianism to embrace these virtues together; and

Whereas, today marks the 100th anniversary of Archbishop Sheen's birthday; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8, 1995, as ARCHBISHOP FULTON J. SHEEN DAY in Illinois.

Issued by the Governor May 4, 1995.

Filed by the Secretary of State May 15, 1995.

95-264

CINCO DE MAYO DAY

Whereas, Mexico celebrates the Cinco de Mayo on May 5, recalling its struggle for freedom from France in the noted Batalla de Puebla on May 5, 1862; and

Whereas, Illinois was built on the triumph and determination of immigrants. The Mexican community is an integral part of our rich cultural heritage and has also contributed greatly to our economic vitality; and

Whereas, the Mexican community is among the largest ethnic groups in the state; and

Whereas, our successful history is strengthened today by organizations such as the Cermak Road Chamber of Commerce; and

Whereas, the Queen Coronation and Banquet will be held May 4, 1995, at the Palmer House Hilton in Chicago and the 2nd Annual International Luncheon will be held May 5, 1995, as part of the Cinco de Mayo festivities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5, 1995, as CINCO DE MAYO DAY in Illinois and invite all Illinois citizens to join me in the celebration of the triumphant spirit of the Cinco de Mayo holiday.

Issued by the Governor May 4, 1995.

Filed by the Secretary of State May 15, 1995.

95-265

HOLLIE STORMS, JOSH STORMS, AND CRISTINA IMPERIALE DAY

Whereas, thousands of Americans from across the United States were shocked to learn of the bombing in Oklahoma City; and

Whereas, many people have been moved to take action in order to help the victims and their families during this terrible disaster; and

Whereas, Hollie Storms believes that everyone can do something to help and started the organization "Kids Helping Kids" to raise money for the victims of the bombing; and

Whereas, Miss Storms was joined in her valiant efforts by her brother, Josh Storms, and her friend, Cristina Imperiale; and

Whereas, Hollie, Josh, and Cristina spent their weekend seeking donations from the public; and

Whereas, together they raised \$600 to donate to the Grundy County Red

Cross that will go to help the Oklahoma City bombing victims; and

Whereas, because of Hollie's idea, hundreds of dollars are still being collected throughout the Coal City area; and

Whereas, the actions of Hollie, Josh, and Cristina inspire us all to do our part to help others in need;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5, 1995, as **HOLLIE STORMS, JOSH STORMS, AND CRISTINA IMPERIALE DAY** in Illinois.

Issued by the Governor May 4, 1995.

Filed by the Secretary of State May 15, 1995.

95-266

INDEPENDENT ORDER OF VIKINGS DAY

Whereas, on June 22-24, 1995, the Independent Order of Vikings will hold their 72nd Grand Lodge Convention at the Pheasant Run Lodge in St. Charles, Illinois; and

Whereas, on June 2, 1890, the Independent Order of Vikings, a fraternal benefit society, was organized in Chicago by 11 young Swedish immigrants who were concerned for the welfare of their families as they ventured to America; and

Whereas, today, there are 40 subordinate lodges located across the United States with approximately 10,000 members; and

Whereas, 35 years ago, the Independent Order of Vikings established a scholarship program for members or children of members and provides a full tuition grant for a member to attend the famous Uppsala International Summer Session program in Uppsala, Sweden; and

Whereas, the Order keeps its membership informed through the publication of a monthly newsletter, the Viking Journal; and

Whereas, the Independent Order of Vikings has established the Concordia Summer Language Program in Minnesota for young Vikings ages 7 to 17; and

Whereas, the Independent Order of Vikings has preserved and nurtured their Scandinavian heritage for 105 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23, 1995, as **INDEPENDENT ORDER OF VIKINGS DAY** in Illinois.

Issued by the Governor May 4, 1995.

Filed by the Secretary of State May 15, 1995.

95-267

MUSIC WEEK

Whereas, the period of May 7-14, 1995, will mark the 72nd annual observance of National Music Week; and

Whereas, music is a vital part of the culture of every civilized nation and the people of the United States are proving themselves to be a great music-producing and music-loving nation; and

Whereas, it is incumbent upon all of us to join together to advance the cause of music as an art and harmonious force and to extend the radius of its influence among nations, groups, and individuals; and

Whereas, the pursuit of music, whether it be through study, composing, listening, performing, or participation, gives rich experience in human life; and

Whereas, the National Federation of Music Clubs through National Music

Week provides an opportunity for the organized musical forces of the country, as well as religious and educational and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7-14, 1995, as **MUSIC WEEK** in Illinois.

Issued by the Governor May 4, 1995.

Filed by the Secretary of State May 15, 1995.

95-268

CITIZEN NEWSPAPER SCHOLARSHIP DAY

Whereas, the Citizens Newspaper of Chicago shall commemorate its 30th annual scholarship banquet at the Chicago Hilton & Towers Hotel on May 20, 1995; and

Whereas, the Citizens Newspaper, in the preservation of its tradition of three decades, shall present scholarship grants to gifted area high school graduates pursuing post-secondary studies at institutions of higher learning; and

Whereas, each student, in qualifying for a scholarship, shall show proof of enrollment at one of the 66 historically black colleges or universities with verification of acceptance from the school's registrar's office; and

Whereas, the student shall pursue studies with majors leading to careers in journalism, English, engineering, and business administration -- including accounting and marketing; and

Whereas, the scholarship recipient, to sustain eligibility for such grants, shall be in good academic standing and maintain a minimum academic rating of a 3.0 GPA during any period of enrollment under a grant from the QBG Foundation; and

Whereas, the QBG Foundation shall provide scholarship grants from its 1995 scholarship fund of more than \$300,000, with grants to all students meeting the required academic standards set forth in writing by the QBG Foundation Chairman, William Garth, Sr.;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20, 1995, as **CITIZEN NEWSPAPER SCHOLARSHIP DAY** in Illinois with congratulations to the scholarship awardees, Citizen Newspaper, corporate sponsors, and the Quantis Bernard Garth Foundation for advancing the cause of higher education for gifted local high school graduates.

Issued by the Governor May 5, 1995.

Filed by the Secretary of State May 15, 1995.

95-269

JEANETTE LOGAN DAY

Whereas, every year a special week is named to recognize the contributions and dedication of nurses within the health care industry; and

Whereas, this year during National Nurses Week, Cook County Hospital will honor Jeanette Logan, RN, a former director of nursing; and

Whereas, Ms. Logan received her nursing training at Cook County School of Nursing from 1952 to 1955 and was employed at Cook County Hospital for nearly 40 years, from 1955 to 1983; and

Whereas, during her more than three decades of employment, she served as staff nurse, charge nurse, and nurse manager before taking the position of

director of nursing; and

Whereas, she was always a caring and sensitive nurse and catered to the needs of the patients; and

Whereas, she was a passionate advocate for quality patient care and committed her professional career to Cook County Hospital, where she also monitored and supported young nurses; and

Whereas, Ms. Logan personified the hospital's mission to provide quality health care to patients with respect and dignity; and

Whereas, she left an indelible impression of selfless service with distinction and touched the lives of countless patients and fellow workers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1995, as JEANETTE LOGAN DAY in Illinois.

Issued by the Governor May 5, 1995.

Filed by the Secretary of State May 15, 1995.

95-270

PHILIPPINE WEEK 1995

Whereas, the Filipino American community has preserved the important values and ethnic identity, history, and heritage of Filipino culture to teach its children and share with fellow Illinoisans; and

Whereas, the Filipino American community has helped build the diversity and prosperity of our state through its commitment to hard work and social responsibility as Illinois citizens; and

Whereas, Filipino Americans have put forth sincere effort to foster a community that is an integral part of the unique mosaic of American society; and

Whereas, June 10-17 is designated as Philippine Week 1995, which commemorates the 97th anniversary of Philippine independence and will be celebrated with a Gala Banquet;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 10-17, 1995, as PHILIPPINE WEEK 1995 in Illinois.

Issued by the Governor May 5, 1995.

Filed by the Secretary of State May 15, 1995.

95-271

WESTERN TENNIS ASSOCIATION DAY

Whereas, the Western Tennis Association promotes opportunities for juniors and adults of all ages, abilities, and cultural backgrounds; and

Whereas, the Western Tennis Association is the second-largest section of the United States Tennis Association, the national governing body for tennis in the United States; and

Whereas, the Western Tennis Association has 60,000 individual members and 1,000 member organizations; and

Whereas, the Western Tennis Association promotes interest and activity in the sport of tennis to the citizens of Illinois; and

Whereas, Illinois is included within the boundaries of the Western Tennis Association; and

Whereas, more than 11,000 Illinois residents are members of the Western Tennis Association; and

Whereas, the Western Tennis Association is celebrating its 100th

anniversary on July 13, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 13, 1995, as WESTERN TENNIS ASSOCIATION DAY in Illinois.

Issued by the Governor May 5, 1995.

Filed by the Secretary of State May 15, 1995.

95-272

CORNELIA DE LANGE SYNDROME AWARENESS DAY

Whereas, the good health and general well-being of the people of Illinois are strengthened by our knowledge and understanding of a rare birth defect known as Cornelia de Lange Syndrome; and

Whereas, babies born with CdLS are usually of low birth weight and develop at a slower rate, both mentally and physically...and although a cause has not yet been discovered, dedicated medical professionals are presently involved in valuable research and education activities to explore new possibilities and to offer hope to families of children with CdLS; and

Whereas, a leading advocate and active voice in offering parental and family support while increasing public awareness about CdLS, the Cornelia de Lange Syndrome Foundation, Inc. is a non-profit, international organization founded by concerned parents of children with this syndrome, and its honorable mission includes promoting research, ensuring early diagnosis, and helping families, friends and professionals to make informed decisions for the present and future life experiences of this population; and

Whereas, Illinois is pleased to join in promoting a special celebration which seeks to raise awareness for the Cornelia de Lange Syndrome Foundation, as simultaneous awareness day activities are being held in cities, towns, and communities throughout the world -- and as this noteworthy effort will have a positive and productive impact on the lives and experiences of CdLS children and their families;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20, 1995, CORNELIA DE LANGE SYNDROME AWARENESS DAY in Illinois and do commend this observance to all of our citizens.

Issued by the Governor May 8, 1995.

Filed by the Secretary of State May 15, 1995.

95-273

GREEK HERITAGE MONTH

Whereas, the State of Illinois is home to more than 250,000 Greek-Americans; and

Whereas, for over 100 years, the Greek-American community of Illinois has made significant contributions to the growth and vitality of the state in all areas of life; and

Whereas, Michael N. Skoubis, chairman of Greek Heritage 1995, announced Greek Heritage Night is May 12, 1995 at 7:00 p.m. at St. Spyridon Church in Palos Heights, and will feature Evzones the Presidential Guard of Athens, Greece, with the main speaker being Mrs. Kathryn Cameron Porter, Director of the Human Rights Alliance; and

Whereas, the Honorary Chairman of Greek Heritage Chicago 1995, his Eminence Archbishop Iakovos, his Grace Bishop Iakovos, the Honorable John Alexis Zepos, the Consul General of Greece, and Andrew A. Athens, the

National Chairman of the United Hellenic American Congress, announced that this year's celebratory theme will be "Hellenic-American Family Values"; and Whereas, "Family Values" highlights the importance of family in today's society and Hellenic people have always recognized the importance of family structure; and

Whereas, parade co-chairman, the Honorable Judge Paul C. Lillios, Jim Vainikos, and Jim Anton, announced the 29th Annual Greek American Parade Commemorating Greek Independence and Culture will be held at noon in Chicago on May 13, 1995, with Illinois Secretary of State George H. Ryan serving as Grand Marshall; and

Whereas, the parade is presented by Greek Orthodox Diocese of Chicago, UHAC/Greek '95, the Greek Orthodox Church Association, and Greek-American Organization, and

Whereas, the 14th Annual Diocese of Chicago Junior Olympics will be held from May 26-28, 1995, at A.A. Stagg High School and Sts. Constantine & Helen Gym, and this event is presented by Greek Orthodox Diocese of Chicago Sts. Constantine & Helen Church UHAC/Greek Heritage '95;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1995 as Greek Heritage Month in Illinois.

Issued by the Governor May 8, 1995.

Filed by the Secretary of State May 15, 1995.

95-274

INTERGENERATIONAL WEEK

Whereas, understanding and communication between all Illinois generations within families, neighborhoods, and communities are critical to meeting individual needs and community challenges; and

Whereas, older Illinoisans have a history of life experiences and great wisdom to share with younger generations and are perfect role models who can provide a special motivation that helps children reach their full potential; and

Whereas, children and youth have energy and blossoming talents that can bring joy and support to other generations while increasing their personal self-esteem; and

Whereas, lifelong service and learning by all generations, for all generations, foster understanding and admiration for one another in mutually beneficial situations; and

Whereas, by learning about our past, we are better prepared to improve our future circumstances and well-being; and

Whereas, for these reasons and many others it is important to continue to encourage and support intergenerational linkages through a coordinated statewide awareness building effort;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10-16, 1995, a INTERGENERATIONAL WEEK in Illinois and I encourage all citizens to be cognizant of other generations; to work hand-in-hand with all networks in aging, education, public and private enterprise; to celebrate innovative community-based intergenerational programs; and to participate fittingly in this observance.

Issued by the Governor May 8, 1995.

Filed by the Secretary of State May 15, 1995.

95-275

RURAL ELECTRIC AND TELEPHONE YOUTH DAY

Whereas, for the past 36 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour to Washington, DC, for approximately 75 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by member cooperatives; and

Whereas, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the "Youth to Washington" tour June 16-23, 1995; and

Whereas, in an effort to provide a broader educational experience for more students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capital May 10 for 250-300 contest finalists;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10, 1995, as RURAL ELECTRIC AND TELEPHONE YOUTH DAY in Illinois.

Issued by the Governor May 8, 1995.

Filed by the Secretary of State May 15, 1995.

95-276

AMERICAN ISLAMIC COMMUNITY WEEK

Whereas, the Muslim Community Center (M.C.C.) of Chicago will hold a day-long convention on May 21, 1995; and

Whereas, the convention will commemorate the 25th anniversary of the Muslim Community Center, which is the oldest community center serving the local American Muslims of all nationalities living in Chicago and Illinois; and

Whereas, the 25th anniversary convention will focus on contributions of local Muslims to Chicago and Illinois; and

Whereas, more than 300,000 American Muslims reside in the Chicagoland area, promoting the theme of human brotherhood and unity in diversity; and

Whereas, the Muslim Community Center of Chicago strives for harmony in intercultural relations, for friendship, and for world peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15-21, 1995, as AMERICAN ISLAMIC COMMUNITY WEEK in Illinois and urge all citizens to join in activities in celebration of this occasion.

Issued by the Governor May 9, 1995.

Filed by the Secretary of State May 15, 1995.

95-277

MOTHER'S DAY

Whereas, mothers are the focal point of the family and home, while more than ever serving their communities in labor, commerce and industry, and in every field of endeavor which is necessary for the public welfare and the prosperity of the nation; and

Whereas, we look to the mother in the home as the family bond, inspiring in children the importance of morals and ethics, and the fundamental laws which govern true integration and opportunity, and to impress upon them the timeless values of all the civic virtues which are the requisites for good American citizenship; and

Whereas, it is appropriate that we designate one day in the year to pay

tribute through public expression to the reverence in which we hold the mother as the equal partner in the family in American society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 14, 1995, as MOTHER'S DAY in Illinois and call upon the citizens to observe it in worship and by displaying the American flag and otherwise commemorating the mother in the home in order that every day in the year may have the blessings that emanate from good motherhood, exemplary citizenship, and a strong family life.

Issued by the Governor May 9, 1995.

Filed by the Secretary of State May 15, 1995.

95-278

NATIONAL ASSOCIATION OF INSURANCE WOMEN'S WEEK

Whereas, professional insurance women make a significant contribution to the risk and insurance industry; and

Whereas, they are increasingly effective locally and statewide in promoting public awareness of important issues such as tort reform, automobile safety, and drunk driving; and

Whereas, they are committed to maintaining the highest professional standards and ethics in the insurance industry; and

Whereas, professional insurance women are working effectively on a national level as the National Association of Insurance Women (International), which has reached a membership of more than 15,000; and

Whereas, these insurance professionals have earned recognition for their outstanding accomplishments in the economically vital insurance industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21-27, 1995, as NATIONAL ASSOCIATION OF INSURANCE WOMEN'S WEEK in Illinois in honor of their important and diverse roles throughout the risk and insurance industry.

Issued by the Governor May 9, 1995.

Filed by the Secretary of State May 15, 1995.

95-279

WEEK OF THE HIGH RISK CHILD 1995

Whereas, the purpose of this week is to identify and address some of the salient issues impacting on the lives of children at risk; and

Whereas, a child at risk is defined as any youth that presents overt or covert symptoms of behavioral, emotional, physical, educational, social, or familial dysfunctioning; and

Whereas, the Children and Adolescents Forum, Inc. and the Beatrice Caffrey Youth Services, Inc. have a combined history of more than 50 years of serving children at risk; and

Whereas, these two agencies espouse and live the mission that through commitment, interest, time, resources, and love we can make a difference for the children; and

Whereas, both organizations have implemented activities that deal with advocacy, community education, youth in performing arts, child welfare, teen pregnancy prevention, homework clubs, tutoring, counseling, and Teens' Speak Out; and

Whereas, Children and Adolescents Forum and Beatrice Caffrey Youth

Services are dedicated to preventing child abuse and are working hard to protect children from all evils;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15-19, 1995, as WEEK OF THE HIGH RISK CHILD 1995 in Illinois.

Issued by the Governor May 9, 1995.

Filed by the Secretary of State May 15, 1995.

95-280

DISASTER AREAS - FULTON, HANCOCK, HENDERSON, MACON, MASON, PEORIA AND TAZEWELL COUNTIES

Tornadoes and severe thunderstorms on May 13 were part of a severe storm system that moved across West Central and Central Illinois, inflicting heavy losses in the Counties of Fulton, Hancock, Henderson, Macon, Mason, Peoria and Tazewell. Tornadoes have caused extensive damage to homes, businesses, farms, livestock, and public property in those communities and rural unincorporated areas. Power outages and extensive damage to power lines and trees also occurred throughout these counties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that are disaster exists in the Counties of Fulton, Hancock, Henderson, Macon, Mason, Peoria and Tazewell, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of government.

Issued by the Governor May 14, 1995.

Filed by the Secretary of State May 14, 1995.

95-281

DISASTER AREAS - KNOX COUNTY

Tornadoes and severe thunderstorms on May 13 were part of a severe storm system that moved across West Central and Central Illinois, inflicting heavy losses in the towns of Hermon and Maquon in Knox County. Tornadoes have caused extensive damage to homes, businesses, farms, livestock, and public property in those communities and rural unincorporated areas. Trees were uprooted and debris littered over south portions of the county.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that are disaster exists in the Knox County to be a State of Illinois disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the

determination if supplemental Federal assistance is needed by any unit of government.

Issued by the Governor May 14, 1995.

Filed by the Secretary of State May 14, 1995.

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

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ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR MASTER CHARGE
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_____ (1994 Code & 2 Supplements)	_____ (Quantity)	_____ (1995 Supplements)	_____ (Quantity)
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SECRETARY OF STATE

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